

# TSD File Inventory Index

Date: November 7, 2008

Initial: CMG/aw

Facility Name: <u>Dayton Electroplate, Inc. (Two Selder Site)</u>			
Facility Identification Number: <u>OH0004278 628</u>			
A.1 General Correspondence	Y	B.2 Permit Docket (B.1.2)	
A.2 Part A / Interim Status	Y	.1 Correspondence	
.1 Correspondence	Y	.2 All Other Permitting Documents (Not Part of the ARA)	
.2 Notification and Acknowledgment	Y	C.1 Compliance - (Inspection Reports)	X
.3 Part A Application and Amendments	Y	C.2 Compliance/Enforcement	X
.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications	
.5 Change Under Interim Status Requests		.2 Import/Export Notifications	
.6 Annual and Biennial Reports		C.3 FOIA Exemptions - Non-Releasable Documents <u>6.3</u>	1
A.3 Groundwater Monitoring		D.1 Corrective Action/Facility Assessment	
.1 Correspondence		.1 RFA Correspondence	
.2 Reports		.2 Background Reports, Supporting Docs and Studies	
A.4 Closure/Post Closure		.3 State Prelim. Investigation Memos	
.1 Correspondence		.4 RFA Reports	
.2 Closure/Post Closure Plans, Certificates, etc		D. 2 Corrective Action/Facility Investigation	
A.5 Ambient Air Monitoring		.1 RFI Correspondence	
.1 Correspondence		.2 RFI Workplan	
.2 Reports		.3 RFI Program Reports and Oversight	
B.1 Administrative Record		.4 RFI Draft /Final Report	
		5. RFI OAPP	

Total = 2

.6 RFI QAPP Correspondence		.8 Progress Reports	
.7 Lab Data, Soil-Sampling/Groundwater		D.5 Corrective Action/Enforcement	
.8 RFI Progress Reports		.1 Administrative Record 3008(h) Order	
.9 Interim Measures Correspondence		.2 Other Non-AR Documents	
.10 Interim Measures Workplan and Reports		D.6 Environmental Indicator Determinations	
D.3 Corrective Action/Remediation Study		.1 Forms/Checklists	
.1 CMS Correspondence		E. Boilers and Industrial Furnaces (BIF)	
.2 Interim Measures		.1 Correspondence	
.3 CMS Workplan		.2 Reports	
.4 CMS Draft/Final Report		F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	
.5 Stabilization		G.1 Risk Assessment	
.6 CMS Progress Reports		.1 Human/Ecological Assessment	
.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		.3 Enforcement Confidential	
.1 CMI Correspondence		.4 Ecological - Administrative Record	
.2 CMI Workplan		.5 Permitting	
.3 CMI Program Reports and Oversight		.6 Corrective Action Remediation Study	
.4 CMI Draft/Final Reports		.7 Corrective Action/Remediation Implementation	
.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI QAPP Correspondence		.9 Environmental Justice	
1			

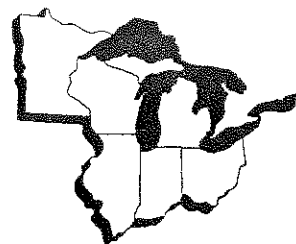
Note: Transmittal Letter to Be Included with Reports.

Comments: Two folders/site/10.3 documents are in separate folders.





# Environmental NEWS RELEASE



Technical Contact: Duncan Campbell  
(312) 886-4555

Legal Contact: Brett Warning  
(312) 886-6733

Media Contact: William Omohundro  
(312) 353-8254

For Immediate Release: July 14, 1994

No: 94-M165

## **EPA CITES DAYTON ELECTROPLATE; SEEKS \$10,800 FINE**

U.S. Environmental Protection Agency (EPA) Region 5 has recently filed an administrative order against Dayton Electroplate, Inc., for hazardous waste violations at its Dayton, OH, facility.

The complaint proposes a \$10,800 penalty and cites the company for failure to maintain proper records, respond to two notices of violation, and give written notification to facilities receiving its wastes on correct treatment standards for land disposal.

The company, which operates an electroplating process at 1030 Valley Street, was cited under authority of the Resource Conservation and Recovery Act (RCRA).

"EPA is committed to ensuring full compliance with regulations designed to protect human health and the environment from the effects of hazardous waste," said Norman R. Niedergang, regional director of the Office of RCRA.

Dayton Electroplate has until August 5, 1994, to respond to the complaint and request a formal hearing. It may request an informal settlement conference anytime.

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## A.2 Interim Status



**ACKNOWLEDGEMENT OF NOTIFICATION  
OF HAZARDOUS WASTE ACTIVITY  
(VERIFICATION)**

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

• OHD004278628

REACKNOWLEDGEMENT

DAYTON RUST PROOF COMPANY  
PO BOX 277  
DAYTON

OH 45404

INSTALLATION ADDRESS

1030 VALLEY ST  
DAYTON

OH 45404



U.S. ENVIRONMENTAL PROTECTION AGENCY

## NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA  
I.D. NO.

OHD004278628

I. NAME OF IN-  
STALLATIONII. INSTALLA-  
TION  
MAILING  
ADDRESSDAYTON RUST PROOF COMPANY  
PO BOX 142 277  
DAYTON, OH 45404III. LOCATION OF INSTAL-  
LATION1030 VALLEY ST  
DAYTON, OH 45404

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

002818 AUG 25 80

## FOR OFFICIAL USE ONLY

COMMENTS

C														
15 16														
INSTALLATION'S EPA I.D. NUMBER														
APPROVED														
DATE RECEIVED (yr., mo., & day)														
OHD004278628														
A														
800818														

## I. NAME OF INSTALLATION

## II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

C														
3														
15 16														
CITY OR TOWN														
ST. ZIP CODE														
A														
16														
40 41 42 47														
51														

## III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

C														
5														
15 16														
CITY OR TOWN														
ST. ZIP CODE														
C														
6														
15 16														
40 41 42 47														
51														

## IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, &amp; job title)

PHONE NO. (area code &amp; no.)

C														
2														
THOMAS JOHN PLANT MANAGER														
15 16														
45 46 48 49 51 52 55														

## V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

C														
8														
JEFF H CAINE & RUTH WRAY														
15 16														
55														

B. TYPE OF OWNERSHIP  
(enter the appropriate letter into box)

## VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

F = FEDERAL

M = NON-FEDERAL

☒ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

## VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

## VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☒ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

OHD004278628

## IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.



- FOR OFFICIAL USE ONLY														
S	W	0	H	D	0	0	4	2	7	8	6	2	8	1
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

# IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1 F006 23 - 26	2 F007 23 - 26	3 F008 23 - 26	4 F009 23 - 26	5 23 - 26	6 23 - 26
7 23 - 26	8 23 - 26	9 23 - 26	10 23 - 26	11 23 - 26	12 23 - 26

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13 23 - 26	14 23 - 26	15 23 - 26	16 23 - 26	17 23 - 26	18 23 - 26
19 23 - 26	20 23 - 26	21 23 - 26	22 23 - 26	23 23 - 26	24 23 - 26
25 23 - 26	26 23 - 26	27 23 - 26	28 23 - 26	29 23 - 26	30 23 - 26

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31 23 - 26	32 23 - 26	33 23 - 26	34 23 - 26	35 23 - 26	36 23 - 26
37 23 - 26	38 23 - 26	39 23 - 26	40 23 - 26	41 23 - 26	42 23 - 26
43 23 - 26	44 23 - 26	45 23 - 26	46 23 - 26	47 23 - 26	48 23 - 26

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49 23 - 26	50 23 - 26	51 23 - 26	52 23 - 26	53 23 - 26	54 23 - 26
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E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

☐ 1. IGNITABLE  
(D001)

☐ 2. CORROSIVE  
(D002)

☐ 3. REACTIVE  
(D003)

☐ 4. TOXIC  
(D000)

## X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE <i>John F. Caine</i>	NAME & OFFICIAL TITLE (type or print) <i>General Manager</i>	DATE SIGNED <i>8-18-80</i>
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## C.2 Compliance



NOV 10 9 1995

HRE-8J

Mr. Charles Borum  
Dayton Electroplate, Inc.  
1030 Valley Street  
Dayton, Ohio 45404

Re: Docket No. V-W-014-94  
Letter of Acknowledgement  
Dayton Electroplate, Inc.  
EPA ID No. OHD 004 278 628

Dear Mr. Borum:

On September 25, 1995, the United States Environmental Protection Agency (U.S. EPA) received payment from you of \$5,659.52. Funds received by the U.S. EPA were payment of penalty amounts established in the Consent Agreement and Final Order (CAFO) between U.S. EPA and you as they pertain to Docket No. V-W-014-94. This CAFO became effective March 14, 1995, for Land Disposal Restrictions (LDR) violations of 40 CFR §§268.7(a)(1) and 268.7(a)(7).

U.S. EPA considers your payment fully satisfactory in settling outstanding penalties owed by you to this Agency. The total dollar figure owed was calculated in the following manner: principal amount of \$5,400.00, interest on principal of \$139.52, and late fees of \$120.00.

In conjunction with the above penalty payment, Dayton Electroplate received nine LDR Notifications forms from this office and is therefore in compliance with stipulation B., in the Final Order of the CAFO. Dayton's requirement to comply with stipulation A. of the CAFO will be on-going and must be met each time it manifests hazardous waste for off-site shipment to a permitted treatment, storage, or disposal facility.

Your operation's hazardous waste management practices will continue to be evaluated by both U.S. EPA and the Ohio EPA in the future. Should you have questions regarding this matter, please contact Duncan Campbell of my staff at (312) 886-4555.

Sincerely yours,

Lorna Jereza, Section Chief  
RCRA Enforcement and Compliance Assurance Branch

cc: Lori Massey, Ohio Attorney General's Office  
Pam Allen, Ohio EPA  
Mary M. Biagioli, Pickrel, Schaeffer & Ebeling

bcc: James Morris, U.S. EPA, Office of Regional Counsel

HRE-8J\DCampbell\be\6-4555\Share\ILIN\Dayton.RTC\November 8, 1995

READING FILE COPY - BRANCH

FEB 10 1995

HRE-8J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mary M. Biagioli  
Pickrel, Schaeffer, & Ebling  
2700 Kettering Tower  
40 North Main Street  
Dayton, Ohio 45423-2700

Re: Dayton Electroplate, Incorporated  
OHD 004 278 628

Dear Ms. Biagioli:

Enclosed please find nine (9) Land Disposal Restriction (LDR) Notifications. Eight (8) of the nine have a copy of the associated Uniform Manifest attached. The United States Environmental Protection Agency (U.S. EPA) acquired these nine LDR Notifications during routine follow-up to the Ohio Environmental Protection Agency's September 20, 1990, compliance evaluation of Dayton Electroplate.

Mr. Charles J. Borum, President of Dayton Electroplate responded to a Resource Conservation Recovery Act (RCRA) Section 3007 Information Request on January 5, 1994. Mr. Borum submitted numerous Dayton Electroplate manifests and LDR Notifications at that time.

Mr. Gordon Garcia, of the U.S. EPA RCRA Enforcement Branch, cross checked each manifest for its accompanying LDR Notification and determined twelve (12) manifest were missing their associated LDR Notifications. Mr. Duncan Campbell, U.S. EPA RCRA Enforcement Branch, contacted the five Treatment Storage Disposal Facilities (TSDF) which are indicated on the twelve manifests. These five TSDFs were asked to verify whether or not they had received the required LDR Notification. Three of the TSDF supplied U.S. EPA with copies of the LDR Notifications. A fourth TSDF verbally confirmed that it had received the LDR Notification but did not supply U.S. EPA with a copy.

The final TSD was unable to verify that two LDR Notifications had accompanied shipments of hazardous waste, and therefore was unable to produce said copies. These final two LDR Notifications are subject to the Complaint and Proposed Compliance Order Docket # V.W. 014-94, dated July 5, 1994.

U.S. EPA is transmitting these nine LDR Notifications to Dayton Electroplate. This action is part of U.S. EPA's effort to assist regulated industry in achieving compliance with RCRA statutory and regulatory requirements. U.S. EPA is advising Dayton Electroplate to file the enclosed manifests and LDR Notifications with its hazardous waste records.



Contact Mr. Duncan Campbell, U.S. EPA, RCRA Enforcement Branch, Enforcement Program Section at (312) 886-4555, should you require additional information.

Sincerely yours,

Janet Haff, Acting Chief  
Enforcement Program Section

Enclosure

cc: Brett Warning, ORC

HRE-8J\DCampbell\DC\Phone #6-4555\Share:IMO\Duncan.76\February 10, 1995

CONCURRENCE REQUESTED FROM REB			
SEC/BR SECRTRY			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
	<i>JH</i> 2/10/95	<i>Quib</i> 2-10-95	

# Dayton Electroplate Inc OHD 004 278 628

## CONVERSATION RECORD

TIME 11:30 am

DATE 3/22/94

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

SUBJECT

Missing Notifications

SUMMARY

First Entry Ext 22A

Private Manifest #

Document #

① Chem Waste of IND (2A) 447-5585 / INA 0371242 86093

Yes 03/02/90 → 03/05/90

CONTRACT NO E05-499-89-3  
WORK ORDER # 01860

② Chem Waste Mgmt. (318) 583-2169 / LAA 3032164 86098

Yes 5/28/91 → 05/30/91 Work Order # 910530039

③ Chem Waste Mgmt. (318) 583-2169 / LAA 3032165 86099

Yes 6/12/91 → 06/13/91 Work Order # 910614039

④ Chem Waste Mgmt. (318) 583-2169 / LAA 3040453 86102

Yes 07/31/91 → 08/02/91 Work Order # 910802054

⑤ Chem Waste Mgmt. (318) 583-2169 / LAA 3040455 86103

Yes 08/13/91 → 08/15/91 Work Order # 910815055

⑥ Chem Waste Mgmt. (318) 583-2169 / LAA 3045870 86105

Yes 09/07/91 → 09/09/91 Work Order No 91090934

⑦ Horsehead Resources Development Co (615) 354-0955 TN 0002501 86106

Yes 12/20/91 → 12/27/91 Sales Order RSX 5148

ACTION REQUIRED

⑧ Horsehead Resources Deve (615) 354-0955 / TN 0002508 86113

Yes 10/19/92 → 10/20/92 Sales Order RSX-5148

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

OVER

TN

10292

ACTION TAKEN

SIGNATURE

TITLE

DATE

NOV 26 1993

H-7J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Gordon H. Savage  
Registered Agent for  
Dayton Electroplate, Inc.  
2700 Kettering Tower  
40 North Main Street  
Dayton, Ohio 45423

Re: Information Request  
Dayton Electroplate, Inc.  
OHD 004 278 628

Dear Mr. Savage:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6927 and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. Law No. 99-499, 100 Stat. 1613 (1986)(SARA). This information request concerns the generation, storage, treatment and disposal of hazardous wastes and hazardous substances at the Dayton Electroplate, Inc. Site ("the Site") located at 1030 Valley Street, Dayton, Ohio.

The information requested herein must be provided to this office within 30 days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, however, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means and procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.



The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and authentic to the best of the signatory's knowledge or belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory will notify U.S. EPA, Region 5, promptly. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. Section 1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Please direct any questions regarding this Information Request to Gordon Garcia, U.S. EPA, RCRA Enforcement Branch, (312) 886-8097.

Your response should be sent to the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Gordon Garcia, HRE-8J.

Sincerely yours,



William E. Munro, Director  
Waste Management Division

Enclosure

cc: Pamela Allen, OEPA  
Elisabeth Rothschild, OEPA SWDO

bcc: Uylaine McMahan, REB w/encl.  
Gordon Garcia, REB w/encl.

AP 11-23-93  
ay 11/24/93

SIGNATURE/INITIAL CONCURRENCE REQUESTED - RCRA ENFORCEMENT BRANCH (REB)									
TYP.	AUTH	IL/IN TES CHIEF	MI/WI TES CHIEF	MN/OH TES CHIEF	IL/MI/WI EPS CHIEF	IN/MN/OH EPS CHIEF	REB BRANCH CHIEF	RCRA ASSOC. DIR.	WMD DIVISION DIRECTOR
						Uem 11/19/93	 11/23/93	 11/24	WEM 11/26/93

G:\USER\SHARE\IMO\DAYTONEL.INF

LEGEND?

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	Information Request pursuant to
	)	Section 3007 of the Resource
DAYTON ELECTROPLATE, INC.	)	Conservation and Recovery Act, as
1030 VALLEY STREET	)	amended, 42 U.S.C. Section 6927 and
DAYTON, OHIO 45404	)	Section 104(e) of CERCLA,
	)	42 U.S.C. Section 9604(e)
EPA I.D. NO.: OHD 004 278 628	)	
_____	)	

This is a request by the United States Environmental Protection Agency (U.S. EPA) pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6927 and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. Law 99-499, 100 Stat. 1613 (1986)(SARA). The issuance of this request serves to require Dayton Electroplate, Inc. to submit information relating to the generation, storage, treatment, and disposal of hazardous wastes and hazardous substances at its facility located at 1030 Valley Street, Dayton, Ohio and is for the purpose of enforcing the provisions of RCRA and CERCLA. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et. seq.

I. INSTRUCTIONS

This request for information pertains to any and all information you may have regarding Dayton Electroplate Inc.'s past and current management of hazardous waste and hazardous substances at the Dayton Electroplate, Inc. site ("the Site") located at 1030 Valley Street, Dayton, Ohio.

If any information called for herein is not available or accessible in the full detail requested, this document shall be deemed to call for the best information available. The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible, including, where specific information is not available, an estimate and a detailed explanation of the method by which each estimate or response is made.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets.

You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes, or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2, Subpart B. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the Agency. Any such confidentiality request must specifically indicate which items, documents, and/or information are claimed as confidential, and must provide a detailed explanation supporting specifically each indicated item, document, and/or information.

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all

statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory will promptly notify Mr. Gordon Garcia, RCRA Enforcement Branch, U.S. EPA, at (312) 886-8097. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided to this office within 30 days of receipt of this request. Your response should be sent to the United States Environmental Protection Agency, 77 West Jackson, Chicago, Illinois 60604, Attention: Gordon Garcia, HRE-8J.

## II. DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "Respondent" shall mean the addressee of the Information Request, the addressee's company, the addressee's officers, managers, employees, contractors, trustees, any and all predecessors, any and all successors, assigns, subsidiaries, and agents.
2. The term "hazardous waste" shall mean a hazardous waste as defined by 40 CFR 261.3.

3. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must fully respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.
6. As used here, the term "notification" shall refer to the land disposal restriction notification identified in 40 CFR Part 268.7(a)(1).



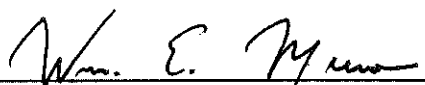
7. As used here, the term "manifest" means the shipping document originated and signed by the generator which contains the information required by 40 CFR 262.20.

### III. REQUEST FOR ANSWERS AND THE PRODUCTION OF DOCUMENTS

1. Identify all persons consulted in the preparation of the answers to this Information Request.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to this Information Request and provide copies of all such documents.
3. Furnish copies of all hazardous waste manifests that have been completed and utilized by your company during the past three calendar years to ship hazardous waste off-site.
4. Furnish copies of all land disposal restriction notifications for the last five calendar years.
5. Describe what steps have been taken, and include in your response examples of these, to correct the violation of RCRA cited in our Notice of Violation dated June 26, 1992, and the second resubmitted Notice of Violation dated August 3, 1993.
6. Provide the following notarized certification:  
  
I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiry of those individuals

immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 26<sup>th</sup> day of November, 1993

  
\_\_\_\_\_  
William E. Muno, Director  
Waste Management Division

-7-

HR-J\garcia\walker\6-8093\Disk Name?g:user\share\imo\daytone1.inf

INFORMATION REQUEST  
RCRA ENFORCEMENT BRANCH APPROVAL  
(Delegation 8-8)

AUTHORITY: ☐ RCRA §3007 only ☒ RCRA §3007 and CERCLA §104

INSTALLATION NAME: DAYTON ELECTROPLATE, INC.

LOCATION ADDRESS: 2700 KETTERING TOWER

CITY: DAYTON

STATE: OHIO ZIP: 45423

REGISTERED AGENT: MR. GORDON H. SAVAGE

IS THE MATTER IN RCRA LITIGATION OR UNDER A COURT ORDER?



NO



YES (Concurrence by Regional Counsel is required).

**A. DRAFT**

	<u>INITIALS</u>	<u>DATE</u>
1. REB Staff Name <u>GORDON GARCIA</u>	<u>GG</u>	<u>10/25/93</u>
SECTION: <input type="checkbox"/> IL/IN <input type="checkbox"/> MI/WI <input type="checkbox"/> OH/MN <input type="checkbox"/> IL/MI/WI <input checked="" type="checkbox"/> IN/OH/MN		
2. REB Section Chief	<u>UEM</u>	<u>10/27/93</u>
3. ORC Attorney Name _____ (Only if the matter is in RCRA Litigation or under court order)		

**B. FINAL**

1. REB Staff	_____	_____
2. REB Section Chief	_____	_____
3. ORC Attorney (For Litigation Consultation only)	_____	_____
4. REB Chief	<u>JMB</u>	<u>11/23/93</u>
5. Assoc. Director, Office of RCRA (only if CERCLA §104 authority is referenced)	<u>EW</u>	<u>11/24</u>
6. WMD Director (only if CERCLA §104 authority is referenced)	<u>UEM</u>	<u>11/26/93</u>

RCRA ENFORCE- MENT	REB STAFF	REB SECTION CHIEF	REB CHIEF
INIT. DATE	8/5 7/17/93	UEM 7/18/93	

AUG 3 1993

UEM  
8/2/93  
HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Charles Borum  
President  
Dayton Electroplate, Inc.  
1030 Valley Street  
Dayton, Ohio 45404

Re: Notice of Violation (NOV)  
Dayton Electroplate, Inc.  
OHD 004 278 628

Dear Mr. Borum:

This is a follow-up letter to our NOV dated June 26, 1992, that was sent to Dayton Electroplate, Inc. at the above address. This NOV concerned a violation of the land disposal restriction regulations (40 CFR Part 268 and revisions to 40 CFR Parts 260-265, 268, 270 and 271). This NOV was sent U. S. Mail certified, return receipt requested. We received PS Form 3811 (return receipt) from the U. S. Postal Service showing that your company did receive the NOV.

We are writing to you again, as we never received a response to our first letter. We are enclosing another copy of the June 26, 1992, NOV for your information. We did note one typographical error in the June 26, 1992, NOV. The inspection date should have read "1990" not "1991."

We must receive a response within 30 days after receipt of this letter. If we do not receive a response, we will have no alternative but to initiate an enforcement action.

If you have any questions regarding this letter, please contact Mr. Gordon Garcia of my staff at (312) 886-8097.

Sincerely yours, ORIGINAL SIGNED BY  
UYLAINE E. MCMAHAN

Uylaine E. McMahan, Chief  
IN/MN/OH Enforcement Program Section

Enclosure

cc: Pam Allen, OEPA  
Elisabeth Rothschild, SWDO  
bcc: Uylaine McMahan, REB  
Compliance File g:\user\share\imo\electro.nov

JUN 26 1992

HRE-8J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Paul Borum  
Dayton Electro-Plate  
1030 Valley Street  
Dayton, Ohio 45404

Re: Notice of Violation (NOV)  
Dayton Electro-Plate  
OHD 004 278 628

Dear Mr. Borum:

On September 20, 1991, the Ohio Environmental Protection Agency (OEPA), representing the United States Environmental Protection Agency (U.S. EPA), conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above referenced facility. The purpose of the inspection was to determine the compliance status of this facility with respect to the applicable hazardous waste management requirements of Chapter 3734 of the Ohio Revised Code, and also the land disposal restriction regulations as set forth in 40 CFR Part 268 and in revisions to 40 CFR Parts 260-265, 268, 270, and 271.

As a result of the inspection, we have determined that the requirements of the land disposal restriction regulations are being violated.

The facility was shipping restricted waste without attendant or complete notifications, as required under 40 CFR Part 268.7. Under Part 268.7(a)(1), generators who manage restricted wastes which exceed treatment standards (reference 40 CFR Part 268, Subpart D - Treatment Standards) are required to provide a notification for each shipment of waste. The notification must contain the following information: EPA hazardous waste number; applicable treatment standard; manifest number; and waste analysis data, where available. Please include in your response to this NOV, an example of the notification you will supply with each waste shipment.

A copy of the inspection report is enclosed for your records. Please submit to this office, within 30 days of receipt of this Notice of Violation, documentation demonstrating that the above-cited violation has been corrected and indicating what measures have been initiated to assure future compliance. Failure to correct the violations may subject the facility to further enforcement action.

If you have any questions regarding this correspondence, please contact Bill Wesley of my staff at (312) 886-8095.

Sincerely yours,

Uylaine E. McMahan, Chief  
IN/MN/OH Enforcement Program Section

Enclosure

cc: Pam Allen, OEPA  
Elisabeth Rothschild, SWDO

bcc: Uylaine McMahan, REB

5HR-JCK-\Bill\Phyllis\6-8093\Bill\Paul.B\June 26, 1992

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
<i>OK</i> <i>6-26-92</i>	<i>B.W.</i> <i>6-26-92</i>	<i>IN</i> <i>6-26-92</i>	





State of Ohio Environmental Protection Agency

Southwest District Office

40 South Main Street  
Dayton, Ohio 45402-2086  
(513) 285-6357  
FAX (513) 285-6249

RECEIVED

JAN 03 1991

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

Richard F. Celeste  
Governor

September 27, 1990

OH0103550297

Mr. Paul Borum  
Dayton Electro-Plate  
1030 Valley Street  
Dayton, Ohio 45404

Dear Mr. Borum:

On September 20 and 21, 1990, representatives of the Ohio EPA, George Nemore and myself, met with you to conduct an annual RCRA inspection to determine the compliance status of Dayton Electro-Plate. Also we investigated a complaint stating the roll off boxes used to store hazardous waste at your facility had been stored there for long periods of time. We also conducted a RCRA land disposal restriction inspection for the F006 waste. The land disposal restriction regulations are presently being handled by U.S. EPA, Region 5; therefore, the checklist for the LDR wastes will be forwarded to them for appropriate follow-up. Please find enclosed a copy of that list. The following violations were noted during the inspection.

- 1) OAC 3745-52-11: Because the lacquer you use to coat your products contains chromium, you must evaluate the waste that is collected on the catch paper to determine if the wastes are subject to the recently promulgated TC rule. Also, the evaluation of the F006 waste you submitted during our inspection shows high levels of cyanide, therefore, a test for reactive cyanides is required to determine if the waste exhibits the characteristics of reactivity. However, you indicated that you are reducing the amount of cyanides used in your process. Please submit an evaluation of the lacquer waste and documentation of the reduction and/or planned reduction of cyanides in the future, indicating evaluation for reactive cyanides is not required. Please submit this documentation within 30 days of receipt of this letter.
- 2) OAC 3745-52-34(A4), OAC 3745-65-16(C): Facility personnel shall take part in an annual review of the initial training as required in OAC 3745-52-34(A). You indicated that no annual refresher is given. Please conduct an annual refresher training course and submit documentation that the training has been given and that an annual refresher will be incorporated into your training program. Please submit this documentation within 30 days of receipt of this letter.

Thad Guiry  
Transportation  
Inc.



Mr. Paul Borum  
September 27, 1990  
Page Two

- 3) OAC 3745-52-34(A)(3): Containers must be marked with the words "Hazardous Waste" or with other words that identify the contents of the containers. Four of the roll off boxes containing F006 waste and the two drums containing electroplating sludge from Building 2 were not marked in the above manner. Please label all hazardous waste containers immediately.
- 4) OAC 3745-52-34(A[2]). The date upon which each period of accumulation begins was not marked on any of the seven roll off boxes of F006 waste on site or the two drums from Building 2. Please send documentation of when the accumulation time began for the seven roll off boxes and the two drums from Building 2. Please submit this documentation within 30 days of receipt of this letter.
- 5) OAC 3745-52-34(A4), OAC 3745-65-53: A copy of the contingency plan must be maintained on site. Your inability to locate the contingency plan upon our request is in violation of this regulation. Please submit to the Ohio EPA a copy of your contingency plan for Dayton Electro-Plate. Please submit this documentation within 30 days of receipt of this letter.
- 6) OAC 3745-52-34(A1), OAC 3745-66-73(A): During our inspection on the 20th, we noted the two drums in Building 2 were open. Upon our return on the 21st, the drums had been moved to the chemical storage area in Building 1 and sealed with cardboard and plastic wrap. This is not satisfactory. The drums must be closed immediately with a proper lid.
- 7) OAC 3745-52-34(A1), OAC 3745-66-74(B): Inspections. The areas in which hazardous waste is stored must be inspected weekly and the inspection recorded. These records must be kept for three (3) years from the date of inspection. Upon our request you could not produce a weekly inspection log for the roll off boxes and stated you did not record your inspections. Please submit documentation within 30 days that the inspections are recorded.
- 8) OAC 3745-52-41: Annual Report. According to our records, you have not submitted an annual report for 1989. Please contact Paula Canter, (614) 644-2923, immediately to request the proper forms to file a 1989 annual report.

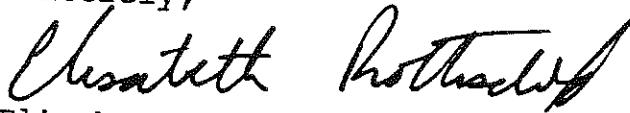
After further consideration and conversation with the Ohio EPA's wastewater pretreatment division, sludge removed from any system that is part of the wastewater treatment unit (e.g. the pumps), may be put back into the wastewater treatment unit. Any sludge removed from outside the unit (e.g. pumps that pump from process tank to process tank), may not be placed in the wastewater

Mr. Paul Borum  
September 27, 1990  
Page Three

treatment unit. If the sludge in the containers from Building 2 is from the pumps going to the wastewater treatment unit, you may place it back in the wastewater treatment unit. However, as you are not meeting your discharge limits for chromium, according to your semi-annual effluent report, we strongly recommend you do not place the sludge in the wastewater treatment unit. We suggest you have it properly shipped off as an F008, plating sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Should you have any questions regarding the issues addressed above, please feel free to contact me at (513) 285-6357.

Sincerely,



Elisabeth Rothschild  
Division of Solid & Hazardous Waste Management  
Hazardous Waste Unit

ER:nys

Enclosures

cc: Laurie Stevenson, CO  
George Nemore, DSHWM, SWDO

# RCA LAND DISPOSAL RESTRICTION INSPECTION

Facility:

Dayton Electroplate, Inc.

U.S. EPA I.D. No. :

OH D103551297 <sup>B. no.</sup> 04D 004 278 628

Street:

1030 valley street, Dayton, OH 45

City:

Dayton

State: OH

Zip: 45404

Telephone:

513/ 228-6121

Owner/Operator:

Street:

Charles Borum

City:

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone:

Inspection Date:

9/20/90

Time:

9-15

Weather Conditions:

Name

Agency/Title

Telephone

Inspectors:

Elizabeth Rothschild OHIO EPA 513/285-6357

Facility

Representative:

Mr Paul W Borum

Generate

Transport

Treat

Store

Dispose

F-Solvent

Dioxin

California List

First Third

Second Third

✓

## INSPECTION SUMMARY

### Processes That Generate LDR Wastes

Electroplating - chrome, pickle, zinc

### LDR Waste Management

all liquid wastes are pumped into the on site waste treatment system. sludge is then shipped off to chemical waste management of Andover, Inc

### Summary

RCRA LAND DISPOSAL RESTRICTION INSPECTION

WASTE IDENTIFICATION

1. Does the facility handle the following wastes?

a. F001 through F005 spent solvents

Yes \_\_\_ No ☒ List\* \_\_\_\_\_

b. Dioxin-containing Wastes

Yes \_\_\_ No ☒ List\* \_\_\_\_\_

c. California List Wastes

Yes \_\_\_ No ☒ List\* \_\_\_\_\_

d. First and Second Third Wastes

Yes ☒ No \_\_\_ List\* F006

\* List wastes if room allows or attach Appendix A.

Note: Please be aware of potential misclassification of wastes (i.e., California list/"soft hammer"/characteristic waste applicabilities).

2. Does the facility handle the following wastes (national capacity variances)?

a. F001 - F005 contaminated soil or debris resulting from a CERCLA response action or RCRA corrective action (effective date — 11/08/90).

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

b. Dioxin contaminated soil and debris resulting from a CERCLA response action or a RCRA corrective action (effective date — 11/08/90).

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

c. California list contaminated soil or debris resulting from a CERCLA response action or a RCRA corrective action (effective date — 11/08/90).

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

- d. First Third wastes with the following waste codes: K048, K049, K050, K051, K052, or K071 (effective date - 08/08/90).

Yes ☐ No ☒ Comments \_\_\_\_\_

- e. First Third contaminated soil and debris which have a treatment standard based on incineration - K016, K018, K019, K020, K022, K024, K030, K037, K048-K052, K086, K087, K101, K102, K103, and K104 (effective date - 08/08/90).

Yes ☐ No ☒ Comments \_\_\_\_\_

- f. Second Third contaminated soil and debris which have a treatment standard based on incineration - F010, F024, K009, K010, K011, K013, K014, K023, K027, K028, K029, K038, K039, K040, K043, K093, K094, K095, K096, K113, K114, K115, K116, P039, P040, P041, P043, P044, P062, P071, P085, P089, P094, P097, P109, P111, U028, U058, U069, U087, U088, U102, U107, U109, U221, U223, U235 (effective date - 06/08/91).

Yes ☐ No ☒ Comments \_\_\_\_\_

RCRA LAND DISPOSAL RESTRICTION INSPECTION

GENERATOR CHECKLIST

GENERATOR REQUIREMENTS

A. Treatability Group - Treatment Standards Identification

1. F-Solvent Wastes: Does the generator correctly determine the appropriate treatability group of the waste?

Yes ☐ No ☐ NA ☒

If yes, check the appropriate treatability group.

☐ Wastewaters containing solvents (less than or equal to 1% total organic carbon (TOC) by weight)  
☐ All other spent solvent wastes

2. First and Second Third Wastes: Does the generator correctly determine the appropriate treatability group of the waste?

Yes ☒ No ☐ NA ☐

If yes, list the waste code and check the correct treatability group.

Waste Code	Wastewater*	Non-wastewater
<u>F006</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Less than 1% TOC by weight and less than 1% filterable solids.

3. California List Wastes: Has the generator correctly identified the required treatment technology [268.42]?

- a. For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 50 but less 500 ppm, is the treatment in accordance with existing TSCA thermal treatment regulations for burning in high efficiency boilers (40 CFR 761.60) or incineration (40 CFR 761.70)?

Yes ☐ No ☐ NA ☒

If yes, specify the method: \_\_\_\_\_

- b. For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 500 ppm, is the waste incinerated [40 CFR 761.70] or disposed of by other approved alternate methods [40 CFR 761.60(e)]?

Yes \_\_\_ No \_\_\_ NA ☒

If an alternative method is used, specify the method and state whether the facility has received approval from the Regional Administrator or Director, Exposure Evaluation Division, for an exemption from the incineration requirement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. For hazardous waste that contains halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1,000 mg/L or 1,000 mg/Kg (except dilute HOC wastewater), is the waste incinerated in accordance with existing requirements of 40 CFR Part 264 Subpart O or 40 CFR Part 265 Subpart O?

Yes \_\_\_ No \_\_\_ NA ☒

4. Does the generator mix restricted wastes with different treatment standards?

Yes \_\_\_ No ☒ Comments \_\_\_\_\_

If yes, did the generator select the most stringent treatment standards (268.41(b), 268.43(b))?

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

#### B. Waste Analysis

1. Does the generator determine whether the restricted waste exceeds treatment standards or prohibition levels at the point of generation by:

- Knowledge of waste Yes \_\_\_ No ☒

List the wastes for which "applied knowledge" was used and describe the basis of the applied knowledge determination.

\_\_\_\_\_  
\_\_\_\_\_



Was all supporting data retained on-site, [268.7(a)(5)]?

Yes ☒ No ☐

- TCLP Yes ☐ No ☐ NA ☐

List the wastes for which TCLP was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Total constituent analysis Yes ☒ No ☐ NA ☐

List the wastes for which total constituent analysis was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- pH  $\leq$  2 Yes ☐ No ☒ NA ☐

List the wastes for which pH testing was used.

\_\_\_\_\_

- Paint Filter Liquid Test Yes ☐ No ☒ NA ☐

List the wastes for which PFLT was used.

\_\_\_\_\_

2. Does the facility dilute the restricted waste as a substitute for adequate treatment [268.3]?

Yes ☐ No ☒ NA ☐

### C. Management

#### 1. On-Site Management

Is restricted waste treated, stored for greater than 90 days, or disposed on-site?

Yes ☒ No ☐ Comments unable to document waste was stored for less than 90 days

If yes, the TSD Checklist must be completed.

## 2. Off-Site Management

- a. Does the generator ship any waste that exceeds the treatment standards to an off-site treatment or storage facility?

Yes ☒ No ☐ (If no, go to b)

If yes, identify waste code and off-site treatment or storage facilities:

Waste Code	Facilities	Treat/Store
FOO 6	chem waste management	5

- Does the generator provide notification to the treatment or storage facility [268.7(a)(1)]?

Yes ☐ No ☒

- Does notification contain the following?

EPA Hazardous waste number(s) Yes ☐ No ☐

Applicable treatment standards and prohibition levels Yes ☐ No ☐

Manifest number Yes ☐ No ☐

Waste analysis data, if available Yes ☐ No ☐

- b. Does the facility ship any waste that meets the treatment standards to an off-site disposal facility?

Yes ☐ No ☒ (If no, go to c)

If yes, identify waste code and off-site disposal facilities:

Waste Code	Facility

- Does the facility provide notification and certification to the disposal facility [268.7(a)(2)]?

Yes ☐ No ☒

- Does notification contain the following?

EPA Hazardous waste number(s) Yes ☒ No ☐

Applicable treatment standards and prohibition levels Yes ☐ No ☒

Manifest number Yes ☒ No ☐

Waste analysis data, if available Yes ☐ No ☒

Certification that the waste meets treatment standards [wording in 268.7(a)(2)(ii)] Yes ☐ No ☒

- c. Is the waste subject to a nationwide variance, case-by-case extension (268.5), or no migration petition (268.6).

Yes ☐ No ☒ (If no, go to d)

- If yes, does the generator provide notification to the off-site receiving facility that the waste is not prohibited from land disposal [268.7(a)(3)]?

Yes ☐ No ☐

- Does the notification contain the following information?

EPA hazardous waste number Yes ☐ No ☐

The corresponding treatment standards and all applicable prohibitions Yes ☒ No ☒

Manifest number Yes ☒ No ☐

Waste analysis data, if available Yes ☒ No ☐

Date the waste is subject to the prohibitions Yes ☐ No ☒

- d. Does the facility generate any First or Second Third "soft hammer" waste?

Yes ☐ No ☐ (If no, go to 4)

- Does the generator provide the following notification to the receiving facility with each shipment of waste [268.7(a)(4)]?

(i)	EPA hazardous waste number	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
(ii)	Applicable prohibition [268.33(f), 268.34(h)]	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
(iii)	Manifest number	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(iv)	Waste analysis data, if available	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

3. "Soft Hammer" Demonstrations/Certifications

- a. Are any "soft hammer" wastes or treatment residues destined for ultimate disposal in a landfill or surface impoundment?

Yes ☐ No ☐

- b. Has the generator attempted to locate and contract with treatment and recovery facilities that provide treatment that yields the greatest environmental benefit [268.8(a)(1)]?

Yes ☐ No ☐

- c. Has the generator submitted a demonstration and certification to the Regional Administrator to document its efforts to locate practically available treatment [268.8(a)(2)]?

Yes ☐ No ☐

- If yes, did the generator submit the documentation and certification prior to first shipment?

Yes ☐ No ☐

- d. Does the demonstration contain the following information?

A list of facilities and facility officials contacted?

Yes ☐ No ☐

Addresses

Yes ☐ No ☐

Telephone numbers

Yes ☐ No ☐

Contact dates

Yes ☐ No ☐

Certification statement

Yes ☐ No ☐

Attach a copy of the demonstration and certification.

- e. If there is no practically available treatment, has the generator included with the demonstration, a written discussion of why the generator was not able to obtain treatment or recovery for that waste [268.8(a)(2)(i)]?

Yes \_\_\_ No \_\_\_ NA \_\_\_

If yes, attach a copy of written discussion.

- f. Does the generator ship its "soft hammer" waste off-site for treatment?

Yes \_\_\_ No \_\_\_

Describe the type of treatment and treatment facilities:

<u>Waste Code</u>	<u>Type of Treatment</u>	<u>Treatment Facility</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

- g. Did the generator send a copy of its demonstration and certification to the receiving facility with the first shipment of waste?

Yes \_\_\_ No \_\_\_

- h. Does the generator provide certification with each subsequent shipment of wastes to receiving facilities?

Yes \_\_\_ No \_\_\_ NA \_\_\_

#### 4. Records Retention

Does the facility retain on-site copies of all notifications, demonstrations, and certifications for a period of 5 years [268.7(a)(6)]?

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

D. RCRA Corrective Action and CERCLA Response Action Waste

1. Has the facility disposed of contaminated soil and debris from a RCRA corrective action or a CERCLA response action in a landfill or surface impoundment?

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

2. Did the unit meet the minimum technology requirements (double liner, leachate collection system, and ground-water monitoring)?

Yes \_\_\_ No \_\_\_ NA \_\_\_ Comments \_\_\_\_\_

E. Treatment Using RCRA 264/265 Exempt Units or Processes

1. Is waste treated in RCRA 264/265 exempt units (i.e., boilers, furnaces, distillation units, wastewater treatment tanks, elementary neutralization, etc.)?

Yes \_\_\_ No \_\_\_

List types of waste treatment units and processes:

<u>Waste Code</u>	<u>Type of Treatment</u>	<u>Treatment Units and Processes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Are treatment residuals generated from these units?

Yes \_\_\_ No \_\_\_ Comments \_\_\_\_\_

If yes, the residues are subject to the LDR generator requirements.

3. Are these residuals further treated, stored for greater than 90 days, or disposed on-site?

Yes \_\_\_ No \_\_\_ NA \_\_\_ Comments \_\_\_\_\_

If yes, the TSD checklist must be completed.



OAC 3745-66 USE AND MANAGEMENT OF CONTAINERS (40 CFR PART 265, SUBPART I)

1. Are hazardous wastes stored in containers which are:
  - a. Closed [3745-66-73(A)] (265.173)?
  - b. In good condition [3745-66-71] (265.171)?
  - c. Compatible with the wastes stored in them [3745-66-72] (265.172)?
2. Are containers stored closed except when it is necessary to add or remove wastes? [3745-66-73(A)] (265.173(a))
3. Are hazardous waste containers stored, handled and opened in a manner which prevents container rupture or leakage? [3745-66-73(B)] (265.173(b))
4. Is the area where containers stored inspected for evidence of leaks or corrosion at least weekly? [3745-66-74] (265.174)  
[documentation of inspections required under 3745-65-15 for TSDs]
5. Are containers holding ignitable or reactive waste located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] (265.176)
6. Are containers holding hazardous wastes stored separately from other materials which may interact with the waste in a hazardous manner? [3745-66-77(C)] (265.177(c))

<u>Y/N/NA</u>	<u>REMARK #</u>
<u>Y</u>	<u>2 open 45 gal Drums with Sludge from Pump for Electroplating (Pesticide)</u>
<u>Y</u>	<u>for the</u>
<u>Y</u>	<u>for the Drums returned above for the Roll off boxes for the Drums</u>
<u>Y</u>	<u>Not Decommited when shown</u>
<u>Y</u>	<u>George Steele</u>
<u>NA</u>	
<u>NA</u>	



OAC 3745-52 GENERATOR REQUIREMENTS (40 CFR Part 262)

	<u>Y/N/NA</u>	<u>REMARK #</u>
1. Have the wastes generated at this facility been evaluated as required under 3745-52-11 (262.11)?	<u>Y</u>	<u>                    </u>
2. Does this facility generate any hazardous wastes that are excluded from regulation under 3745-51-04 (261.4)?	<u>N</u>	<u>                    </u>
3. Does this facility have waste or waste treatment equipment that is excluded from regulation because of totally enclosed treatment [3745-65-01] (265.1(c)(9)) or via operation of an elementary neutralization unit and/or wastewater treatment unit [3745-65-01] (265.1(c)(10))?	<u>Y</u>	<u>                    </u>
4. Is the generator classified as a Small Quantity Generator (SQG) or conditionally exempt SQG? If so, complete appropriate checklist.	<u>N</u>	<u>                    </u>
5. Does the generator meet the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:		
a. All hazardous wastes shipped off-site have been accompanied by a completed manifest using the most recently revised USEPA form 8700-22?	<u>Y</u>	<u>                    </u>
b. The manifest form used contains all the information required by 3745-52-20 (262.20) and the minimum number of copies required by 3745-52-22 (262.22)?	<u>Y</u>	<u>                    </u>
c. The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with 3745-52-20(C)(D)(E) (262.20)?	<u>Y</u>	<u>                    </u>
d. Prepared manifests have been signed by the generator and initial transporter in compliance with 3745-52-23(A)(1&2) (262.23)?	<u>Y</u>	<u>                    </u>
e. The generator has complied with manifest exception reporting requirements in 3745-52-42 (262.42(a))?	<u>Y</u>	<u>                    </u>
f. Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by 3745-52-40 (262.40)?	<u>                    </u>	<u>                    </u>

	Y/N/NA	REMARK #
6. Does the generator meet the following hazardous waste pre-transport requirements:		
a. Prior to offering hazardous wastes for transport off-site, the waste material is packaged, labeled, and marked in accordance with applicable DOT regulations [3745-52-30, 3745-52-31, and 3745-52-32] (262.30, 262.31, 262.32)?	N	No duty on hazardous material stickers on Roll off boxes or drums of sludge
b. Prior to offering hazardous waste for transport off-site, each container with a capacity of 110 gallons or less is affixed with a completed hazardous waste label as required by 3745-52-32 (262.32)?	N	
c. Prior to offering hazardous wastes for transport off-site, the generator meets requirements for properly placarding or offering to properly placard for the initial transporter of the waste material in compliance with 3745-52-33 (262.33)?	NA	
7. Does the generator import or export hazardous waste?		
If so, are the wastes handled in accordance with the requirements of 3745-52-50 (262.50)?	N	
8. If the generator elects to accumulate hazardous waste on-site in containers or tanks for 90 days or less without a hazardous waste facility installation and operation permit as provided under 3745-52-34 (262.34), are the following requirements with respect to such accumulation met:	NA	
a. The containers or tanks are clearly marked with the words "Hazardous Waste"?	NA	
b. The date that accumulation began is clearly marked on each container?	N	
c. If the waste is accumulated in containers, the generator is complying with OAC 3745-66-70 to 3745-66-77? Complete Management of Containers checklist.	N	

	Y/N/NA	REMARK #
d. If the waste is accumulated in tanks, the generator is complying with OAC 3745-66-90, to 3745-66-992 except OAC 3745-66-97(C) and 3745-66-991? Complete Storage and Treatment in Tanks checklist.		
e. If the generator accumulates waste at or near the point of generation which is under the control of the operator of the process generating the waste as allowed by 3745-52-34(C) are the following requirements met:		
1. Quantities of waste accumulated do not exceed 55 gallons at any time?	Na	
2. Quantities of acutely hazardous waste accumulated do not exceed 1 quart at any one time?	Na	
3. If the generator is accumulating hazardous waste in accordance with e.1 or e.2, above, has the generator marked the containers with words "Hazardous Waste" or with other words identify the contents of the container and is the generator complying with OAC 3745-66-71, 3745-66-72, 3745-66-73(A), 3745-66-76, and 3745-66-77?		
4. If the generator accumulates hazardous wastes in excess of the amounts listed in either e.1 or e.2, above, did the generator comply with 3745-52-34(A) (262.34(a)) within three (3) days and mark the container holding the excess accumulation with the date the excess accumulation began accumulating?		
9. Has the generator accumulated hazardous wastes in excess of ninety (90) days?	Y	
10. Has the generator been granted an extension by the Director/Regional Administrator for accumulation in excess of ninety (90) days?	N	
11. Has the generator treated, stored, disposed of, transported or offered for transportation hazardous waste without having obtained a USEPA identification number from the Administrator as required under 3745-52-12 (262.12)?	N	

	<u>Y/N/NA</u>	<u>REMARK #</u>
12. Does the generator provide a Personnel Training Program in compliance with 3745-65-16(A)(B)(C) (265.16) including instruction in safe equipment operation and emergency procedures training new employees within 6 months and providing an annual training program refresher course? [3745-52-34(A)(4)] (262.34)	<u>N</u>	<u>No annual Refresher</u>
13. Does the generator keep all of the records required by 3745-65-16(D)(E) (265.16) including written job titles, job descriptions and documented employee training records? [3745-52-34(A)(4)] (262.34)	<u>Y</u>	
14. Has the generator filed annual reports on or before March 1st of the next calendar year as required by 3745-52-41?		
15. Does the generator comply with the applicable requirements for owners or operators of hazardous waste facilities? Complete "Preparedness and Prevention" and "Contingency Plan and Emergency Procedures" checklists.		

REMARKS, GENERATOR REQUIREMENTS



RCRA ENFORCEMENT ACTION SIGN-OFF

## PART I. BACKGROUND

FACILITY NAME Dayton Electroplate, Inc.

FACILITY LOCATION 1030 Valley Street, Dayton, Ohio 45404

RCRA ID NUMBER OHD 004 278 628

ASSIGNEES REB D. Campbell ORC \_\_\_\_\_

NATURE OF VIOLATION Not maintaining LDR notifications/Late Response to Info. Request

DATE OF DISCOVERY September 20, 1990

DATE OF REFERRAL \_\_\_\_\_ (X) NOT APPLICABLE

ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:  
OEPA is pursuing enforcement action for other outstanding violations.

PART II. RECOMMENDATION Administrative Complaint with civil penalty.

## PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	<u>gls</u>	<u>2/22/94</u>	(X)	( )
CHIEF, RCRA ENF. SECTION	<u>VL FOR UM</u>	<u>3/3/94</u>	(✓)	( )
CHIEF, RCRA ENF. BRANCH	<u>gmb</u>	<u>3/2/94</u>	(✓)	( )
ASSISTANT REGIONAL COUNSEL	<u>Bret Warning</u>	<u>3/16/94</u>	(✓)	( )

PART IV. NAME & DATE OF 3008(a)(2) NOTICE LETTER 3008(a)(2) letter sent to  
Michael Savage, OEPA on

## PART V. APPROVAL

1. PREPARER	<u>gls</u>	<u>4/15/94</u>	(✓)	( )
2. CHIEF, RCRA ENF. SECTION	<u>UM</u>	<u>5/25/94</u>	(✓) with comments	( )
3. CHIEF, RCRA ENF. BRANCH	<u>gmb</u>	<u>7/5/94</u>	(✓)	( )
4. ASSISTANT REGIONAL COUNSEL	<u>B. WARNING</u>	<u>6/1/94</u>	(✓) w/ comments	( )
5. CHIEF, S.W. & E.R. SECTION	<u>CU</u>	<u>6/2/94</u>	(✓)	( )
6. ASSOC. DIR., OFFICE OF RCRA	<u>CU</u>	<u>7/5</u>	(✓)	( )

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.

38 - 8

manifest

notification

2/10/95

① LAA 303 2164 5/28/91 NO YES F006

② LAA 303 2165 6/12/91 NO YES F006

③ LAA 3040453 7/31/91 NO YES F006

④ LAA 3040455 8/13/91 NO YES F006

⑤ LAA 3045870 9/7/91 NO YES F006

⑥ TN 0002501 12/20/91 NO YES F006

⑦ TN 0002508 10/14/92 NO YES F006 NW 1<sup>st</sup>/3rd 8/8/88

⑧ PAC 5573212 4/13/93 NO NO D007 (3rd/3rd 5/8/90)

⑨ PAC 5573223 4/12/93 NO NO D002 (3/3rd 5/8/90)

⑩ 57160 4/22/93 NO VERBAL YES D007/F002

~~\* 01501 ? NO 6/2/93 NO Now - regulated waste with fuel~~  
~~manifest # 6/2/93~~

⑪ TAA 0004811 NO YES F006 Scratch as violation? DO18 Benzene?

⑫ from Elizabeth R YES LOR notif NW NW  
 INA 0371242 NO ~~not~~ F006  
 90 - needed one?



	notification	manifest	
11/16/93	TN 000 4810	✓	
10/12/93	TN 000 4809	✓	
9/10/93	TN 000 4807	✓	
8/9/93	TN 000 4807 (hand corrected 4806)	✓	<u>4806</u>
7/8/93	TN 000 4805	✓	
6/7/93	TN 000 4803	✓	
5/10/93	TN 000 4801	✓	
3/15/93	TN 000 2515	✓	
3/17/93	TN 000 2514	✓	
3/2/93	TN 000 2512 (hand corrected 2513)	✓	<u>2513</u>
1/24/93	TN 000 2512	✓	2512 1/25/93
12/15/92	TN 000 2511	✓	
10/20/92	TN 000 2509	✓	
10/15/92	TN 000 2507	✓	

(2)

4/15/92 TN 0002505 ✓

6/10/92 TN 0002506 ✓

3/2/92 TN 0002504 ✓

1/31/92 TN 0002503 ✓

1/7/92 TN 0002502 ✓



ER-WM-51 REV. 1/91

## OFFICIAL PENNSYLVANIA MANIFEST FORM

Form approved.

OMB No. 2050-0039

Expires 9-30-92

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 1	Information in the shaded areas is not required by Federal law but is required by State law.	
3. Generator's Name and Mailing Address <b>DAYTON ELECTROPLATE, INC.</b> <b>1030 VALLEY STREET, DAYTON, OHIO 45404</b>		OHD 0 0 4 2 7 8 6 2 8   0 6 1 2 0		A. State Manifest Document Number <b>PAC 5573223</b>		
4. Generator's Phone ( 513 ) 228-6121		6. US EPA ID Number		B. State Gen. ID <b>OHD004278628</b>		
5. Transporter 1 Company Name <b>METROPOLITAN ENVIRONMENTAL</b>		7. Transporter 2 Company Name <b>INT 1 9 0 0 1 0 3 9 7</b>		C. State Trans. ID <b>PA- AH   0 2 8 9</b>		
9. Designated Facility Name and Site Address <b>INMETCO</b> <b>245 PORTERSVILLE RD</b> <b>ELLWOOD CITY, PA 16117</b>		10. US EPA ID Number <b>PA D 0 8 7 5 6 1 0 1 5</b>		D. Transporter's Phone ( 800 ) 334-9130		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) a. <b>ENVIRONMENTALLY HAZARDOUS SUBSTANCE UN 3082 PG III</b> <b>(CONTAINS NICKEL AND D002 CORROSIVE LIQUID)</b>		12. Containers No. Type <b>0 0 1 T T</b>		13. Total Quantity <b>03640 GAL</b>		14. Unit Wt/Vol <b>D 0 0 2</b>
b. <b>LABORATORY SAMPLE</b>		c. <b>LABORATORY SAMPLE</b>		d. <b>LABORATORY SAMPLE</b>		e. <b>LABORATORY SAMPLE</b>
f. <b>LABORATORY SAMPLE</b>		g. <b>LABORATORY SAMPLE</b>		h. <b>LABORATORY SAMPLE</b>		i. <b>LABORATORY SAMPLE</b>
j. <b>LABORATORY SAMPLE</b>		k. <b>LABORATORY SAMPLE</b>		l. <b>LABORATORY SAMPLE</b>		m. <b>LABORATORY SAMPLE</b>
15. Special Handling Instructions and Additional Information <b>INMETCO SALES ORDER # 24504382</b>		K. Handling Codes for Wastes Listed Above <b>T-18</b>				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.  If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health available to me and that I can afford.						
Printed/Typed Name <b>JOHN W SCHUM</b>		Signature <i>John W. Schum</i>		MONTH DAY YEAR <b>10 4 12 1993</b>		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name <b>GENE A BIEGIE</b>		Signature <i>Gene A. Biegie</i>		MONTH DAY YEAR <b>10 4 11 1993</b>		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name		Signature		MONTH DAY YEAR		
19. Discrepancy Indication Space <b>Section 1a incomplete - INMETCO weight 37,600#</b> <b>Emergency response number should appear in Section 15</b>						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name <b>Melinda Macioce</b>						
Signature <i>Melinda Macioce</i>		MONTH DAY YEAR <b>04</b>				

PAC 5573223

# INMETCO

P.O. Box 720  
Ellwood City, PA. 16117  
(412)-758-5515  
Fed. I.D. No. 13-2858892

# INVOICE

REMIT TO:  
INMETCO  
P.O. BOX 5079 GPO  
NEW YORK, NY 10087-5079

PAGE 1

PAGE 1

S D08  
O DAYTON ELECTROPLATE  
L  
D  
T 1030 VALLEY ST.  
O DAYTON OH 45404

S  
H  
I  
P  
T  
O  
SAME  
JOHN SCHUM

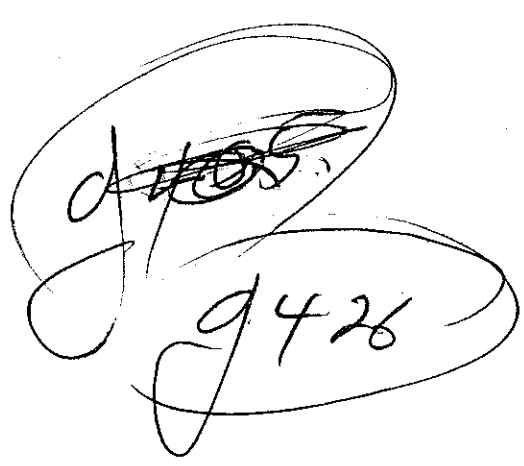
DAYTON ELECTROPLA  
D08

DATE	SLSMN	ORDER NO.	ORD. DATE	SHIPPED VIA	TERMS	INVOICE NO.	INV. DATE	INV. NO.
02/25/93	RRB	5411	01/22/93		NET,NET/30	00024810	02/25/93	00024810

ITEM/DESCRIPTION/SERIAL NO.	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
INMETCO LAB ANALYSIS	Ordered	1.0000		
NO. A-81 CHROME SOLUTION	Shipped	1.0000 EA.	100.0000	100.00
	Ordered	1.0000		
NO. A-82 NICKEL SOLUTION	Shipped	1.0000 EA.	100.0000	100.00



NON-TAXABLE	TAXABLE	SALES TAX	FREIGHT	MISC.	INVOICE TOTAL	INVOICE TOTAL
200.00	.00	.00	.00	.00	200.00	200.00

A Service charge of 2.0 percent per month will be charged to your account on purchases not paid in accordance with invoice terms.



Printed on  
Recycled Paper



REMIT TO:  
INMETCO  
P.O. BOX 5079 GPO  
NEW YORK, NY 10087-5079

PAGE 1

SHIP  
T O  
SAME

DAYTON ELECTROPLA  
D08

**A Service charge of 2.0 percent per month will be charged to your account on purchases not paid in accordance with invoice terms.**



Printed on  
Recycled Paper

via Metropolitan

Sales Agent Signature

NO. 2243  
DATE: May 10, 1993

### *Certificate of Waste Material Consumption*

Whereas, The International Metals Reclamation Company, Inc. (INMETCO) operates a hazardous/non-hazardous waste reclamation facility under the rules of the Pennsylvania Department of Environmental Resources and the U. S. EPA (ID No. PAD087561015),

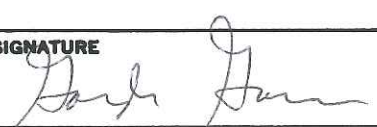
Now, therefore, INMETCO does hereby issue this certificate to:  
Dayton Electroplate, Inc. to evidence the  
consumption of: Nickel Solution received on 4/12/93  
PAC 5573223 on 24-SO-4382. Said consumption has  
been completed on or about 4/12/93, in a manner consistent  
with acceptable engineering standards and in compliance with applicable rules and  
regulations set forth by the State of Pennsylvania and Federal authorities.



Environmental Manager



Plant Superintendent

CONVERSATION RECORD			TIME	DATE 3/1/94																
TYPE <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE			<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> INCOMING  <input type="checkbox"/> OUTGOING             </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">ROUTING</th> </tr> <tr> <th style="width: 80%; padding: 5px;">NAME/SYMBOL</th> <th style="width: 20%; padding: 5px;">INT</th> </tr> </thead> <tbody> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </tbody> </table> </div>		ROUTING		NAME/SYMBOL	INT												
ROUTING																				
NAME/SYMBOL	INT																			
Location of Visit/Conference:																				
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU	ORGANIZATION (Office, dept., bureau, etc.)	TELEPHONE NO.																		
JOHN SCHIERBERL	OEPA CO	614 644-2934																		
SUBJECT																				
DAYTON ELECTROPLATE INC																				
OHIO 004 278 628																				
SUMMARY																				
COMPLAINT FILED BY ASO ON 2/14/94 NAMING																				
DAYTON ELECTROPLATE - BOTH CHARGES - PAUL BORUM																				
HE WILL SEND COPY OF COMPLAINT																				
JOHN STATED THE COMPLAINT WILL REQUIRE CLOSURE OF																				
THE CONTAINER STORAGE - ROLL OFF BOX AREA AND																				
A CIVIL PENALTY OF \$162,000. HE STATED THAT																				
ABILITY TO PAY WILL BE A PROBLEM																				
LDR NOT LISTED AS VIOLATION. (NO LDR COUNTS IN																				
COMPLAINT)																				
HE STATED BORUM'S HAVE A CONSULTANT FOR CLOSURE																				
ISSUES																				
ACTION REQUIRED																				
NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE																		
GORDON GARCIA		3/1/94																		
ACTION TAKEN																				
SIGNATURE	TITLE	DATE																		

ENFORCEMENT  
CONFIDENTIAL

# CONVERSATION RECORD

TIME

DATE

2/3/94

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

JOHN SCHIERBERL

ORGANIZATION (Office, dept., bureau, etc.)

DEPT CO

TELEPHONE NO:

614  
644-2934

SUBJECT

DAYTON ELECTROPLATE OHIO 004 278 628

SUMMARY

HASNT FILED CASE IN COURT YET - AGO MAY FILE TODAY "162,000 PENALTY

LDR NOT IN THEIR COMPLAINT

HE HEARD THEY DEFAULTED ON THEIR LOAN. COMPANY

IN FINANCIAL DIFFICULTY. STRIKE AT FACILITY

CHARLES' SON PAUL LEFT COMPANY WITH CHIEF

FINANCIAL OFFICER TO FORM ANOTHER COMPANY THAT

WILL COMPETE AGAINST PET. TOOK THEIR BEST

CUSTOMER

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

GORDON GARCIA

SIGNATURE

*Gordon Garcia*

DATE

2/3/94

ACTION TAKEN

SIGNATURE

TITLE

DATE



RECEIVED  
JAN 19 1994

OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA REGION V

January 5, 1994

Mr. Gordon Garcia, HRE-8J  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604

RE: Information Request  
Dayton Electroplate, Inc.  
OHD 004 278 628

Dear Mr. Garcia:

This is in response to the subject Information Request.

✓ Enclosed are copies of our Hazardous Waste Manifests for the past three (3) years marked as Exhibit A. Hazardous waste generated by Dayton Electroplate is F006 and is produced in the waste water treatment system. The only exception to this would be if the company was changing a plating line or tank as was the case in 1993 and is reflected in the included manifests of shipments to Inmetco (Ellwood, Pa.) and Ecolotec, Inc (Dayton, Ohio). The included manifest forms marked "Void" were part of the file and therefore were included. These were voided as a result of clerical or form errors.

✓ A copy of the Land Disposal Restriction Notification and Certification Form used over the last 5 years (since 1988) is enclosed and is marked as Exhibit B-1. These forms are filled out specifically for each Manifest and are included with the Manifest for the Designated Facility. The form includes the manifest number, the applicable treatment standard is marked including the EPA hazardous waste number. These forms are required to be included by the Transporter and the Designated Facility. It has been our standing practice to always have these forms prepared at the same



time the manifest is prepared. We believe that between this standing practice, the Transporter's requirement and the requirement of the Designated Facility that we are assured that the proper notification is provided.

The attached copies of notices, marked as Exhibit B-2 were recently requested from the Designated Facility we currently use, Horsehead Resource Development Company, Inc., West Baldwin Street, Rockwood, TN. These were requested to demonstrate the furnishing the required notification.

In 1989 we supplied duplicate copies of Land Disposal Restriction Notification and Certification Forms when the Designated Facility, Adams Center Sanitary Landfill, Inc. advised us that they did not have the notification on two occasions. It was not clear if this was a condition where the notification form had been lost or not sent. Copies of these two duplicates are included and marked as Exhibit B-3. This is the only time of which we have any knowledge that the notifications were missing from the Designated Facility files.

It should be noted that the Dayton Electroplate since late 1990 has only used recycling facilities for Designated Facilities to handle its F006 hazardous waste.

Dayton Electroplate is now maintaining copies of the Land Disposal Restriction Notification and Certification Forms specific to each manifest.

If other information is required, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles J. Borum'.

Charles J. Borum  
President

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiry of those individuals

immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

State of Ohio                   \*  
                                      \*  
                                      \*SS:  
Montgomery County        \*

Before me, a Notary Public, in and for said County and State, personally appeared the above named Charles J. Borun who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal this 12<sup>th</sup> day of January A.D., 1994.

A handwritten signature in cursive script, appearing to read 'Kevin T. Miller', written over a horizontal line.

KEVIN T. MILLER, Notary Public  
In and for the State of Ohio  
My Commission Expires Aug. 11, 1994



HORSEHEAD RESOURCE  
DEVELOPMENT CO., INC.

Rockwood Plant  
West Baldwin Street  
P.O. Box 5  
Rockwood, TN 37854  
(615) 354-0955  
Telecopier: (615) 354-2167

Date: 1-7-94

Copy to: \_\_\_\_\_

Message to: Tom Kapp

Firm: Dayton Electrophating

Fax #: 513-461-2230

Message From: (Charles) Holway

Number of pages, Incl. cover sheet: 22

If difficulty is experienced in this transmittal, please call (615) 354-0955

**Confidentiality note:** This information is LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION Intended only for the use of the individual named above. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. Immediately notify us by telephone if you have received this telecopy in error. Please return the original to us at the above address via the United States Postal Service. Thank you.

Message:

Enclosed are copies of the "Land Disposal Restrictions Notification & Certification Form" requested by you.

17:00-00 0100



# CONVERSATION RECORD

TIME 1:20 PM

DATE 1/7/94 FRIDAY

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

CHARLES BORUM

ORGANIZATION (Office, dept., bureau, etc.)

DAYTON ELECTROPLATE

TELEPHONE NO:

SUBJECT

RESPONSE TO SECT 3007 INFO REQ

SUMMARY

STATED HE WILL RESPOND. THOUGHT HE HAD TILL NEXT WEEK. I TOLD HIM IT WAS ALREADY PAST DUE FOR RESPONSE THAT HIS R.A. REC'D ON 12/6/93.

HE STATED THEY WILL FAX ME LETTER EXPLAINING THEY WERE IN ERROR AND WILL SEND RESPONSE TO INFO REQUEST NEXT WEEK I TOLD HIM I WOULD PASS THAT INFO. TO MY SUPERVISOR

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

OHIO 004 278 628  
DAYTON ELECTROPLATE, INC.

SIGNATURE

TITLE

DATE

EPS

1/7/94



OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA REGION V

RECEIVED  
JAN 19 1994

Is your RETURN ADDRESS  
completed on the reverse side?

CERTIFIED

P 033 640 537

MAIL

Dayton Electrolate, Inc.  
1030 Valley Street  
P.O. Box 277  
Dayton, Ohio 45404



To

MR. GORDON GARCIA, HRE-8T  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED



0000

U.S. POSTAGE  
PAID  
DAYTON, OH  
45404  
JAN 12 1994  
AMOUNT  
\$4.90  
00029929-09



PICKREL, SCHAEFFER AND EBELING

A LEGAL PROFESSIONAL ASSOCIATION

2700 KETTERING TOWER

40 NORTH MAIN STREET

DAYTON, OHIO 45423-2700

513/223-1130

FACSIMILE 513/223-0339

DONALD G. SCHWELLER  
HARRY G. EBELING  
THOMAS J. HARRINGTON  
PAUL J. WINTERHALTER  
R. PETER FINKE  
PAUL E. ZIMMER  
RICHARD J. HOLZER  
ALAN B. SCHAEFFER  
JANET K. COOPER  
JOHN W. SLAGLE  
ANDREW C. STORAR  
JON M. ROSEMEYER  
DAVID C. KORTE

BETH W. SCHAEFFER  
JAMES W. KELLEHER  
MARY M. BIAGIOLI  
PAUL H. SPAETH  
DIANE L. GENTILE  
JEFFREY S. SENNEY  
L. MICHAEL BLY  
CYNTHIA P. KOEHLER

OF COUNSEL

GORDON H. SAVAGE

December 7, 1993

Mr. Gordon Garcia, HRE-8J  
United States Environmental  
Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604

Re: Dayton Electroplate, Inc.  
OHD 004 278 628

RECEIVED

DEC 14 1993

OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA, REGION 5

Dear Mr. Garcia:

This will acknowledge receipt of the letter dated November 26, 1993 from your office with reference to Dayton Electroplate, Inc. This letter was received in our office on the 6th day of December, 1993.

I am Statutory Agent for Dayton Electroplate and as such, authorized to receive any Summons or Notices. This is pursuant to Ohio statutes and I have no authority to do anything else except to receive your letter and pass the same along to Dayton Electroplate. I have forwarded the materials which you sent to me to Mr. Charles Borum, President of Dayton Electroplate.

I have also forwarding this information to Mr. Thomas J. Harrington, an attorney in our office who is the responsible attorney for Dayton Electroplate, Inc. I am sure that either Mr. Borum or Mr. Harrington will be in touch with you with reference to the letter and the attached information.

Very truly yours,

PICKREL, SCHAEFFER AND EBELING

  
Gordon H. Savage

GHS:cm

cc: Mr. Charles J. Borum  
Thomas J. Harrington, Esq.

# CONVERSATION RECORD

TIME 10:15 <sup>CDT</sup>am

DATE 9/22/93

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

CHARLES BORUM

ORGANIZATION (Office, dept., bureau, etc.)

DAYTON  
ELECTRO-PLATE  
004 378 628

TELEPHONE NO:

513  
228-6121

SUBJECT

DAYTON ELECTROPLATE, INC NOV 8/3/93

SUMMARY

ASKED FOR MR CHARLES BORUM. SOMEONE (WOMAN)  
CAME ON LINE IDENTIFIED HERSELF AS ROBBIE (G)  
STATED MR BORUM WAS NOT IN AND WOULD BE  
IN THE OFFICE THIS AFTERNOON

I ASKED IF HE COULD GET IN TOUCH WITH ME  
I LEFT MY TELEPHONE NUMBER

ACTION REQUIRED

CALL HIM BACK IF NO RESPONSE OR  
3007 INFO REQ/ORDER

NAME OF PERSON DOCUMENTING CONVERSATION

GORDON GARCIA

SIGNATURE

Gordon Garcia

DATE

9/22/93

ACTION TAKEN

SIGNATURE

TITLE

DATE



# CONVERSATION RECORD

TIME

8:30

DATE

11-6-92

TYPE

☐ VISIT

☒ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

ROUTING

NAME/SYMBOL INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Paul Borum

ORGANIZATION (Office, dept., bureau, etc.)

Dayton Electro-Plate

TELEPHONE NO:

513/228-6121  
(614) 644-2944

SUBJECT

Lack of response to June 26, 1992 NOV

SUMMARY

He said he and Chuck Borum would get together to see what went wrong and they would call me back later.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

## CONVERSATION RECORD

TIME

11:30

DATE

5-31-91

TYPE

☐ VISIT☐ CONFERENCE☐ TELEPHONE☐ INCOMING☐ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

ROUTING

NAME/SYMBOL

INT

SUBJECT

Note to myself.

SUMMARY

Speak w/ Pam Allen re possibility of referring OEPA incorporating LDR violations from 7-21-90 inspection into their AG referral. Elizabeth said she may include LDR violations (illegal land disposal) discovered in her 4-1-91 follow-up inspection, so why not include mine.

Kim Gyle said OEPA is authorized to <sup>formally</sup> enforce LDR for up to 2nd Third waste (check this w/ Gary Kronke of Paul Little's section) & Dayton electro's waste was F-solvent & 3rd/3rd

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

50271-101

★ GPO : 1983 O - 381-526 (9109)

CONVERSATION RECORD

OPTIONAL FORM 271 (12-76)  
DEPARTMENT OF DEFENSE

PLEASE PRINT OR TYPE

(Form designed for use on 112-pitch typewriter)

Form Approved OMB No. 2050-0039 Expires 9-30-91

UNIFORM HAZARDOUS  
WASTE MANIFEST

1. Generator's US EPA ID No. 0.H.D.0.0.4.2.7.8.6.2.8

Manifest  
Document No. 8.6.0.9.3

2. Page 1 Information in the shaded areas is not required by Federal law, but is required by State law.

3. Generator's Name and Mailing Address

DAYTON ELECTROPLATE, INC.  
1030 VALLEY STREET, DAYTON, OHIO 45404A. State Manifest Document Number  
INA 0371242

4. Generator's Phone (513) 228-6121

B. State Generator's ID Number

5. Transporter 1 Company Name

MAD RIVER TRANSPORTATION

6. Use EPA ID Number

0.H.D.1.0.3.5.5.1.2.9.7

C. State Transporter's ID Number

D. Transporter's Phone (513) 228-2156

7. Transporter 2 Company Name

8. Use EPA ID Number

E. State Transporter's ID Number

F. Transporter's Phone

9. Designated Facility Name and Site Address

CHEMICAL WASTE MANAGEMENT OF INDIANA, INC.  
4636 ADAMS CENTER ROAD  
FT. WAYNE, INDIANA 46806

10. Use EPA ID Number

I.N.D.0.7.8.9.1.1.1.4.6

G. State Facility's ID Number

H. Facility's Phone (219) 447-5585

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

R-Q HAZARDOUS WASTE SOLID,  
NOS - ORM-E NA 9189 (P006)

12. Containers

No. Type

13. Total Quantity

14. Unit Wt/Vol.

Y

Waste No.

P006

J. Additional Descriptions for Materials Listed Above

CONTRACT NO. B05-499-89-3 WORK ORDER NO. 01860

SUPPLEMENTAL INFO DOCUMENT #7-124-85

GENERATORS WASTE MATERIAL PROFILE SHEET #00L D94716 ACT

OFFICIAL DRY WEIGHT TAX - 25% OF TOTAL WEIGHT

K. Handling Codes for Wastes Listed Above

Ned 11/100%

15. Special Handling Instructions and Additional Information

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

John W. Schum

Signature

John W. Schum

Month Day Year  
03/02/90

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Fred Morton

Signature

Fred Morton

Month Day Year  
03/02/90

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted item 19.

Printed/Typed Name

Camey R. [Signature]

Signature

Camey R. [Signature]

Month Day Year  
03/13/90

National Response Center at 800/424-8802 or 202/426-2675

INA 0371242



<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. O H D 0 0 4 2 7 8 6 2 8	Manifest Document No. 5 7 1 6 0	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address DAYTON ELECTROPLATE 1030 VALLEY STREET DAYTON, OH 45404		4. Generator's Phone ( 513 ) 228-6121 EMERGENCY CONTACT: JOHN SCHUM		A. State Manifest Document Number 57160	
5. Transporter 1 Company Name REPUBLIC ENV. SYS. (TRANS GROUP), INC.		6. US EPA ID Number P A D 9 8 2 6 6 1 3 8 1		B. State Generator's ID SAME	
7. Transporter 2 Company Name		8. US EPA ID Number		C. State Transporter's ID 86366HW	
9. Designated Facility Name and Site Address ECOLOTEC, INC. 636 N. IRWIN STREET DAYTON, OH 45403		10. US EPA ID Number O H D 9 8 0 7 0 0 9 4 2		D. Transporter's Phone 215-997-9111	
				E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID 05-57-0624	
				H. Facility's Phone 513-254-9990	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol
a.	RM X	RQ/HAZARDOUS WASTE LIQUID, N.O.S. ORM-E NA9189 (METHYLENE CHLORIDE, CHROMIUM) D007,F002	001 DM	004.50	P
b.		NON HAZARDOUS MATERIAL NON REGULATED	002 DM	010.00	P
c.		NON HAZARDOUS MATERIAL NON REGULATED	001 DM	0050.0	P
d.		NON HAZARDOUS MATERIAL NON REGULATED	000 DM	0000.0	P
J. Additional Descriptions for Materials Listed Above			K. Handling Codes for Wastes Listed Above		
11a. EC13047, ERG # 31			11a Sol		
11b. <del>EC13041</del> EC13043 11X			11c Sol		
11c. EC13042			11b Sol		
11d. <del>EC13043</del> 11X					
15. Special Handling Instructions and Additional Information					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name Charles J. Borum Pres. Dayton Electroplate			Signature Charles J. Borum		Month Day Year 14 12 1993
17. Transporter 1 Acknowledgement of Receipt of Materials					
Printed/Typed Name TODD D TURNER			Signature TODD D TURNER		Month Day Year 10 4 12 1993
18. Transporter 2 Acknowledgement of Receipt of Materials					
Printed/Typed Name			Signature		Month Day Year
19. Discrepancy Indication Space Item 14a changed to P per Charles Borum. 11X					
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name Neva Lowe			Signature Neva Lowe		Month Day Year 14 12 1993

ORIGINAL-RETURN TO GENERATOR



State of Ohio Environmental Protection Agency

Southwest District Office

40 South Main Street

Dayton, Ohio 45402

(513) 449-6357

Richard F. Celeste  
Governor

August 19, 1988

Re: DAYTON ELECTROPLATE, INC.  
HAZARDOUS WASTE MANAGEMENT  
OHD 004 278 628  
MONTGOMERY COUNTY  
GENERATOR

Mr. Paul W. Borum  
Manager, Quality Control  
Dayton Electroplate, Inc.  
1030 Valley St.  
Dayton, Ohio 45404

Dear Mr. Borum:

Documents from you was received in this office on August 12. Those documents were sent in response to violations cited in an inspection letter dated July 6.

Violations #1, #2, and #7 have now been corrected. They pertained to hazardous waste manifest, container marking, and weekly inspections.

Violations #3, #4, #5, and #6 are still outstanding. Those violations pertained to personnel training, written job titles and descriptions, written Contingency and Emergency Plan, and designation of emergency coordinators. The documents submitted were inadequate or missing to correct the mentioned violations.

You must correct the above outstanding violations by September 6, 1988.

You were sent check-off lists pertaining to personnel training and Contingency and Emergency Plan in the original inspection letter. You were asked to refer to those lists when preparing the plans. It seems as though you did not give much emphasis to the lists.


Please refer to the original inspection letter for items needed to be addressed to correct the violations.

Enclosed is a check-off list which was used to evaluate your company's plan.

Mr. Paul Borum  
August 19, 1988  
Page 2

Should you have any questions, I may be contacted at 449-6357.

Sincerely,

A handwritten signature in cursive script that reads "Chul Kim-McGuire".

Chul Kim-McGuire  
Division of Solid & Hazardous Waste Management

cc: Dave Sholtis, CO, DSHWM

RCRA CONTINGENCY PLAN REVIEW CHECKLIST

Facility Name Dayton Electroplate, Inc.  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ OEPA District \_\_\_\_\_  
Primary Emergency Coordinator \_\_\_\_\_  
Facility Telephone \_\_\_\_\_ Review Date \_\_\_\_\_  
USEPA I.D. No. \_\_\_\_\_ HWFAB No. \_\_\_\_\_  
Reviewer \_\_\_\_\_

Key to Abbreviations

P/A: Present and Adequate  
N/A: Not Applicable  
A/I: Absent or Inadequate



1. Emergency Coordinator (40 CFR 265.51(d) and 265.55)

	<u>P/A</u>	<u>H/A</u>	<u>A/I</u>
① The plan identifies a primary emergency coordinator and one or more alternates who are listed in the order that they will assume responsibility in an emergency.	(✓)	( )	( )
② The title/job description of the emergency coordinator(s) show familiarity with all aspects of the wastes and waste handling processes used and is consistent with the responsibility and authority required to implement the plan in an actual emergency.	( )	( )	(✓)
3. The plan contains clearly defined decision points concerning the following:			
a) the method and circumstances of initial notification of the emergency coordinator	( )	( )	( )
b) the initial and continuing actions the emergency coordinator will take in response to the severity of the situation, such as when outside emergency services will be called for	( )	( )	(✓)
4. The plan lists the following information concerning all persons qualified to act as emergency coordinator:			
a) name, title	( )	( )	(✓)
b) phone numbers (home and business)	( )	( )	(✓)
c) home addresses	( )	( )	(✓)
d) effective dates and times	( )	( )	(✓)
5. The emergency coordinator's responsibility for reporting the incident to federal, state and local authorities (after the emergency has been controlled) is detailed in the plan and includes:			
a) name and telephone number of reporter	( )	( )	(✓)
b) name and address	( )	( )	(✓)
c) time and type of incident (e.g. fire)	( )	( )	(✓)
d) name and quantity of materials involved	( )	( )	(✓)
e) injuries	( )	( )	(✓)
f) hazard to humans or environment outside the facility	( )	( )	(✓)
g) name and telephone number of those to be notified	( )	( )	(✓)

Note: A written copy of the above report must be submitted to Region V and OEPA. Procedures or measures to prevent or mitigate further releases, fire, explosion, etc. should be described.

II. Contingency Plan Emergency Service Agreements and Distribution of the Plan  
(40 CFR 265.53 and 265.52(c))

P/A      N/A      A/I

1. If required, copies of the contingency plan have been provided to the following:

- a) local fire department
- b) local police department
- c) local hospital(s)
- d) local emergency squad
- e) state emergency response team
- f) other \_\_\_\_\_

( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )

Note: Verify that a current copy of the plan has been given to each emergency service provider by telephoning the numbers indicated in the plan.

2. The plan documents any special arrangements, agreements or any refusal to participate, when applicable

( )	( )	( )
-----	-----	-----

3. The local fire department has been familiarized with the following:

- a) facility layout
- b) properties of wastes handled
- c) location of specific hazards
- d) fire access roads/routes
- e) facility evacuation plan
- f) mutual aid agreements if more than one department may respond

( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )

4. The local police department has been familiarized with the following:

- a) facility layout
- b) properties of wastes handled
- c) location of specific hazards
- d) facility access roads/routes
- e) facility evacuation plan
- f) mutual aid agreements if more than one department may respond

( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )

5. The local hospital has been briefed on the following:

- a) health affects of wastes handled at the facility
- b) number of potential exposures
- c) facility evacuation plan
- d) decontamination procedures, if necessary

( )	( )	( )
( )	( )	( )
( )	( )	( )
( )	( )	( )

P/A      N/A      A/I

6. Local emergency response authorities:

- a) have reviewed potential assistance that may be provided in an actual emergency

( )      ( )      ( )

7. State emergency response authorities:

- a) have reviewed potential assistance that may be provided in an actual emergency

(✓)      ( )      ( )

III. Contingency Plan Background Information and Organization

P/A      N/A      A/I

1. The plan includes a brief description of site activities (treatment, storage, disposal) including types of wastes handled and quantities expected to be on site

( )      ( )      (✓)

2. The plan includes a site plan (map) showing the major structural features of the facility including topography

( )      ( )      (✓)

3. The plan includes a site plan (map) showing adjacent land features and uses including roads, streams, bodies of water, pipelines, utility installations or other objects that could be affected by an emergency situation

( )      (✓)      ( )

4. The plan identifies the specific hazards, i.e. flammable, toxic gas, associated with the various types of wastes handled at the facility

( )      ( )      (✓)

5. The plan identifies the secondary hazards associated with the wastes handled, such as generation of toxic fumes when burned, etc.

( )      ( )      (✓)

6. When applicable, the plan details all of the actions facility personnel will take in response to the following situations:

- a) fire  
b) explosion  
c) toxic fume or gas generation  
d) contact with incompatible materials  
e) major spills  
f) minor leaks (include chronic)  
g) vandalism  
h) other \_\_\_\_\_  
i) other \_\_\_\_\_

( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)  
( )      ( )      (✓)

#### IV. Emergency Equipment Inventory (40 CFR 265.52(e))

P/A      H/A      A/I

- |   |  |  |  |
|---|--|--|--|
| <p>① The emergency equipment list includes location (map, etc.), a brief physical description and an outline of capabilities</p>  | <p>( )</p>   | <p>( )</p>   | <p>(✓)</p>   |
| <p>② Firefighting systems:</p> <p>a) sprinkler systems</p> <p>b) fire hydrants and hoses</p> <p>c) on-site water storage capacity</p> <p>d) fire extinguishers</p> <p>e) foam generators</p> <p>f) halon systems</p> <p>g) sand</p> <p>h) other _____</p>                           | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> |
| <p>③ Spill Control Equipment:</p> <p>a) heavy equipment (backhoes, etc.)</p> <p>b) absorbent materials</p> <p>c) overpack drums</p> <p>d) oil skimmers, slickbars, etc.</p> <p>e) hand tools (shovels, etc.)</p> <p>f) outside contractors</p> <p>g) other _____</p>                | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> |
| <p>④ Communication Equipment:</p> <p>a) telephones</p> <p>b) intercoms, P.A. systems</p> <p>c) radio (designated emergency channel or frequency)</p> <p>d) provisions for maintenance of these systems</p> <p>e) other _____</p>  | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p>                       | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p>                       | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p>                       |
| <p>⑤ Alarm Systems:</p> <p>a) fire alarm</p> <p>b) plant evacuation alarm</p> <p>c) all clear signal</p> <p>d) leak detector on underground tanks</p> <p>e) high level alarms on process equipment and exposed tanks</p> <p>f) systems which activate off-site alarms or alerts</p> | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p>            | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p>            | <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p> <p>( )</p>            |
| <p>6. All the equipment noted above is in existence at the facility (is not <u>proposed</u> equipment)</p>  | <p>( )</p>   | <p>( )</p>   | <p>( )</p>   |

V. Emergency Actions and Procedures (40 CFR 265.56)

	<u>P/A</u>	<u>N/A</u>	<u>N/I</u>
1. The plan describes procedures and decision points for activating the internal alarm systems	( )	( )	( )
2. The plan describes procedures and decision points for contacting emergency service authorities if their assistance is required	( )	( )	( )
3. The plan contains provisions for stopping operations during an emergency situation	( )	( )	( )
4. When operations are stopped in response to fire, explosion or release, the plan provides for monitoring the following:			
a) leaks	( )	( )	( )
b) pressure buildup	( )	( )	( )
c) gas generation	( )	( )	( )
d) ruptures in pipes, valves or other process equipment	( )	( )	( )
5. The plan contains provisions for collecting and containing released wastes, contaminated soil or contaminated surface water, when applicable	( )	( )	( )
6. The plan contains provisions for treatment, storage and disposal of recovered waste materials, when applicable	( )	( )	( )
7. The emergency coordinator has the resources which are identified in the plan to:			
a) identify the character, exact source amount and real extent of any released materials	( )	( )	( )
b) determine if the emergency situation presents a serious threat to human health both inside and outside of the facility	( )	( )	( )
c) advise local authorities to evacuate adjacent areas, when necessary	( )	( )	( )
8. The plan contains provisions for the decontamination and renovation of:			
a) all emergency equipment listed in the plan that was used in the emergency	( )	( )	( )
b) all contaminated process equipment prior to resuming operations.	( )	( )	( )
c) all personnel and personal protective gear involved in the emergency	( )	( )	( )

VI. Facility Evacuation Plan (40 CFR 265.52(f))

	<u>P/A</u>	<u>N/A</u>	<u>N/I</u>
1. The contingency plan contains provisions for evacuating facility personnel if required	( )	( )	(✓)
2. The evacuation plan includes:			
a) a description of the signals to be used to begin the evacuation	( )	( )	(✓)
b) primary evacuation routes	( )	( )	(✓)
c) secondary evacuation routes	( )	( )	(✓)

\*VII. Spill Prevention Control and Countermeasures-SPCC (40 CFR 112 and 40 CFR 265.52(b))

Note: This Section is for facilities with: (1) any one tank of petroleum hydrocarbons over 660 gallons or (2) aggregate storage over 1,320 gallons or (3) 42,000 gallons below ground. Some of these requirements are not specifically included in RCRA Sections 264 and 265; however, please complete as much of this Section as possible.

	<u>P/A</u>	<u>N/A</u>	<u>N/I</u>
1. The SPCC plan has been certified by a registered Professional Engineer	( )	( )	( )
2. The following aspects of the facility are described in the plan:			
a) primary containment system	( )	( )	( )
b) secondary containment system	( )	( )	( )
c) locations of surface drains	( )	( )	( )
d) quantity and type of above ground hydrocarbon storage gallons	( )	( )	( )
e) quantity and type of below ground hydrocarbon storage gallons	( )	( )	( )
3. The plan contains a list of available personnel who are on call to respond to emergency situations and includes home telephone numbers	( )	( )	( )
4. The plan contains a list of the emergency equipment available at the facility	( )	( )	( )
5. The plan contains a list of spill clean up contractors who may be contacted in the event of an emergency	( )	( )	( )

\*Optional section

	<u>P/A</u>	<u>N/A</u>	<u>A/I</u>
6. The plan describes the following security measures:			
a) electric lighting	( )	( )	( )
b) tank and process equipment level alarms	( )	( )	( )
c) fences and gates	( )	( )	( )
d) locks	( )	( )	( )
e) guards, surveillance systems	( )	( )	( )
f) visual inspections	( )	( )	( )
g) pipe terminal connections capped	( )	( )	( )
7. The plan describes dike draining procedures and provides for:			
a) visual inspections	( )	( )	( )
b) proper valving (flapper type not permitted)	( )	( )	( )
8. The plan describes procedures for:			
a) logging drum, tank and plumbing inspections	( )	( )	( )
b) controlling spills in loading areas (dike, etc.)	( )	( )	( )
c) maintaining a written spill history	( )	( )	( )
d) designating a person to report spills to the authorities	( )	( )	( )
9. The plan contains telephone numbers for the following:			
a) National Response Center	( )	( )	( )
b) Ohio EPA Emergency Response	( )	( )	( )
c) local fire department	( )	( )	( )
d) other _____	( )	( )	( )
e) other _____	( )	( )	( )
10. The plan provides for the following types of employee training:			
a) operation of spill containment and control equipment	( )	( )	( )
b) personal protective equipment	( )	( )	( )
c) applicable laws, rules and regulations	( )	( )	( )
d) simulated incident training exercises	( )	( )	( )



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF SOLID AND HAZARDOUS WASTE MANAGEMENT  
P.O. Box 7035  
Indianapolis, IN 46207-7035

PLEASE PRINT OR TYPE

(Form designed for use on elite (12-pitch) typewriter)

Form Approved OMB No. 2050-0039 Expires 9-30-97

## UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. O h D 0 0 4 2 7 8 6 2 8 8 8 0 9 3

Manifest Document No.

2. Page 1 of 1

Information in the shaded areas is not required by federal law, but some states require it.

3. Generator's Name and Mailing Address

DAYTON ELECTROPLATE, INC.  
1030 VALLEY STREET, DAYTON, OHIO 45404

4. Generator's Phone (513) 228-6121

A. State Manifest Document Number  
INA 0371242

5. Transporter 1 Company Name

MAD RIVER TRANSPORTATION

6. Use EPA ID Number

O h D 1 0 3 5 5 1 2 9 7

B. State Generator's ID

7. Transporter 2 Company Name

8. Use EPA ID Number

C. State Transporter's ID

D. Transporter's Phone (513) 228-2166

9. Designated Facility Name and Site Address

CHEMICAL WASTE MANAGEMENT OF INDIANA, INC.  
4636 ADAMS CENTER ROAD  
FT. WAYNE, INDIANA 46806

10. Use EPA ID Number

I N D 0 7 8 9 1 1 1 4 6

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone

(219) 447-5585

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

R-Q HAZARDOUS WASTE SOLID,  
NOS - ORM-E NA 9189 (F006)

12. Containers

No.

Type

13. Total Quantity

14. Unit Wt/Vol.

15. Waste No.

1

CM

10.0

Y

F006

J. Additional Descriptions for Materials Listed Above

CONTRACT NO. E05-499-89-3 WORK ORDER NO. 01860  
SUPPLEMENTAL INFO DOCUMENT #7-124-85  
GENERATORS WASTE MATERIAL PROFILE SHEET, COOL D94716, AGL  
CERCLA DRY WEIGHT TAX - 25% OF TOTAL WEIGHT

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

Date

Month Day Year

John W. Schum

John W. Schum

03/02/90

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Date

Month Day Year

Fred Morton

Fred Morton

03/02/90

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Date

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted item 19.

Printed/Typed Name

Signature

Date

Month Day Year

INA 0371242



PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES  
Bureau of Waste Management  
P. O. Box 8550  
Harrisburg, PA 17105-8550  
OFFICIAL PENNSYLVANIA MANIFEST FORM

FOR SHIPMENT OF HAZARDOUS, INFECTIOUS  
AND CHEMOTHERAPEUTIC WASTE.

Form approved.  
OMB No. 2050-0039  
Expires 9-30-92

ER-WM-51 REV. 1/91

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. OH D 0 0 4 2 7 8 6 2 8   8 6 1 1 9		2. Page 1 1 of 1		Information in the shaded areas is not required by Federal law but is required by State law.	
3. Generator's Name and Mailing Address DAYTON ELECTROPLATE, INC. 1030 VALLEY STREET, DAYTON, OHIO 45404				A. State Manifest Document Number PAC 5573212			
4. Generator's Phone ( 513 ) 228-6121				B. State Gen. ID OHD004278628			
5. Transporter 1 Company Name METROPOLITAN ENVIRONMENTAL				6. US EPA ID Number IN T 1 9 0 0 1 0 3 9 7		C. State Trans. ID PA-   A H   0 2 8 9	
7. Transporter 2 Company Name				8. US EPA ID Number		D. Transporter's Phone ( 800 ) 334-9130	
9. Designated Facility Name and Site Address INMETCO 245 PORTERSVILLE RD ELWOOD CITY, PA 16117				10. US EPA ID Number P A D 0 8 7 5 6 1 0 1 5		E. State Trans. ID PA-	
						F. Transporter's Phone ( )	
						G. State Facility's ID	
						H. Facility's Phone ( 412 ) 758-5515	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers No. Type		13. Total Quantity	
a. CHROMIC ACID SOLUTION, CORROSIVE UN 1755 PG III (D002/D007 CORROSIVE LIQUID)				0 0 1   1 1		023.62 GAL	
b.							
c.							
d.							
J. Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above			
Lab Pack Physical State		Lab Pack Physical State		a. T-18		c.	
b.		d.		b.		d.	
15. Special Handling Instructions and Additional Information INMETCO SALES ORDER No.=24504382 EMERGENCY RESPONSE No.=800-474-8802							
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.  If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name JOHN W. SCHUM				Signature John W. Schum		MONTH DAY YEAR 10/4/13/93	
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature Gene A. Biegle		MONTH DAY YEAR 10/4/13/93	
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature		MONTH DAY YEAR	
Printed/Typed Name							
19. Discrepancy Indication Space Section I should reflect same waste codes as appear in Section IIa. INMETCO weight 23,640#							
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.							
Printed/Typed Name Melinda Macioce				Signature Melinda Macioce		MONTH DAY YEAR 10/4/14/93	

## INMETCO

P.O. Box 720  
 Ellwood City, PA. 16117  
 (412)-758-5515  
 Fed. I.D. No. 13-2858892

## INVOICE

REMIT TO:  
 INMETCO  
 P.O. BOX 5079 GPO  
 NEW YORK, NY 10087-5079

PAGE 1

PAGE 1

SOLD TO  
 008  
 DAYTON ELECTROPLATE  
 1030 VALLEY ST.  
 DAYTON OH 45404

SHIP TO  
 SAME  
 JOHN SCHUM

DAYTON ELECTROPLA  
 008

DATE	SLSMN	ORDER NO.	ORD. DATE	SHIPPED VIA	TERMS	INVOICE NO.	INV. DATE	INV. NO.
02/25/93	RRB	5411	01/22/93		NET,NET/30	00024810	02/25/93	00024810

ITEM/DESCRIPTION/SERIAL NO.	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
INMETCO LAB ANALYSIS	Ordered	1.0000		
NO. A-81 CHROME SOLUTION	Shipped	1.0000 EA.	100.0000	100.00
	Ordered	1.0000		
NO. A-82 NICKEL SOLUTION	Shipped	1.0000 EA.	100.0000	100.00

NON-TAXABLE	TAXABLE	SALES TAX	FREIGHT	MISC.	INVOICE TOTAL	INVOICE TOTAL
200.00	.00	.00	.00	.00	200.00	200.00

A Service charge of 2.0 percent per month will be charged to your account on purchases not paid in accordance with invoice terms.



Printed on  
 Recycled Paper

REMIT TO:  
INMETCO  
P.O. BOX 5079 GPO  
NEW YORK, NY 10087-5079

PAGE 1

DAYTON ELECTROPLA  
D08



Printed on  
Recycled Paper



P.O. BOX 720  
ELLWOOD CITY, PA 16117  
(412) 758-5515

Customer Purchase Order No.

5444

Date Required

April 12 & April 14, 1993

Terms

Net 30 Days

F.O.B.

Ellwood City, PA

Freight Charges

Prepaid

via Metropolitan

DATE: April 6, 1993

SALES ORDER NO. 24- SO-

1382

CUSTOMER		SHIP TO:	
Dayton Electroplate 1030 Valley Street Dayton, OH 45404		INMETCO 245 Portersville Road Ellwood City, PA 16117	
BILL TO:		Dayton Electroplate 1030 Valley Street Dayton, OH 45404	
Contact	John Schum	Contact	
Telephone No.	(513) 228-6121	Telephone No.	
Item	Material Code	Quantity	U/M
A		3,500	Gal
B		2,500	Gal
C			
Description			
Cost to process your D007 Nickel Solution (Misc. A-82) High Sulfur = 62,058 ppm delivered bulk April 12, 1993 3 p.m. Cost to process your D002/D007 Chrome Solution (Misc. A-81) High Copper = 4,813 ppm delivered bulk April 14, 1993 8 a.m. Cost to rinse out tanker			
Unit Price			
\$0.78/ Gallon			
\$0.78/ Gallon			
\$100.00			
Material Specifications			
Element	Assay	Price/Lb.	
Ni			
Cr			
Fe			
Mo			
Cu			
Co			
Si			
Mn			
P			
S			
C			

Shipping Instructions:

delivered in bulk with the ability to vertically unload 10 feet into INMETCO's tank through a 3" camlock fitted hose. Liquid loads will be rejected if flammable. INMETCO's General Conditions for Acceptance of Waste (STC1-Rev. #1) to apply.

Sales Agent Signature

NO. 2240  
DATE: May 10, 1993

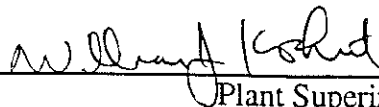
### *Certificate of Waste Material Consumption*

Whereas, The International Metals Reclamation Company, Inc. (INMETCO) operates a hazardous/non-hazardous waste reclamation facility under the rules of the Pennsylvania Department of Environmental Resources and the U. S. EPA (ID No. PAD087561015),

Now, therefore, INMETCO does hereby issue this certificate to:  
Dayton Electroplate Inc. to evidence the  
consumption of: Chromic Acid Solution received on 4/13/93  
PAC 5573212 on 24-SO-4382. Said consumption has  
been completed on or about 4/13/93, in a manner consistent  
with acceptable engineering standards and in compliance with applicable rules and  
regulations set forth by the State of Pennsylvania and Federal authorities.



Environmental Manager



Plant Superintendent

**RECEIVED**

AUG 09 1994

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

August 4, 1994

**VIA FEDERAL EXPRESS**

Marie Hook  
Regional Hearing Clerk (MF-10J)  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

**Re: Request for Hearing on Complaint, Findings of  
Violation and Compliance Order  
Dayton Electroplate, Inc.  
EPA I.D. No.: OH D 004 278 628**

Dear Ms. Hook:

Enclosed find one (1) original and three (3) copies of  
Respondent's Answer for filing in the above-referenced matter.  
Please return the extra copies, date-stamped, in the self-  
addressed, stamped envelope provided.

Thank you.

Sincerely,

PICKREL, SCHAEFFER & EBELING

By \_\_\_\_\_  
Mary M. Biagioli

MMB/naw  
enclosures

cc: Mr. Brett Warning (w/enclosure)  
Mr. Duncan Campbell (w/enclosure)

PICKREL, SCHAEFFER & EBELING

A LEGAL PROFESSIONAL ASSOCIATION

2700 KETTERING TOWER

DAYTON, OHIO 45423



BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In Re:	*	CASE NO. V-W-014-94
DAYTON ELECTROPLATE, INC.	*	
EPA ID No. OHD 004 278 628	*	<u>RESPONDENT'S ANSWER</u>
Respondent.	*	

\* \* \* \* \*

Now comes Respondent, Dayton Electroplate, Inc., by and through its counsel, and answers the allegations of the Complaint filed herein, as follows:

1. Respondent admits the allegations set forth in paragraphs 1 through 5, and in paragraphs 17 and 21 of the Complaint.

2. With regard to paragraphs 7 through 10 inclusive, and paragraphs 13 and 20, Respondent states that the statutes, regulations and administrative processes cited and explained in said paragraphs speak for themselves. To the extent said paragraphs of the Complaint conflict with the law, such are denied.

3. Respondent denies the allegations set forth in paragraph 18 of the Complaint.

4. Respondent is without information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraphs 11, 23 and 24 of the Complaint.

5. With respect to paragraph 6 of the Complaint, Respondent admits the allegations set forth in the first and last sentence of said paragraph, but is without information sufficient to form a belief as to the truth or falsity of the remaining allegations of said paragraph.

6. With respect to paragraph 14 of the Complaint, Respondent admits the allegations set forth in the first sentence of said paragraph, is without information to form a belief as to the truth or falsity of the allegations set forth in the second and third sentences of said paragraph, and denies the allegations set forth in the last sentence of said paragraph.

7. With respect to paragraph 15 of the Complaint, because Paul Borum is no longer an employee of Respondent, Respondent is without information sufficient to form a belief as to the truth or falsity of the allegations set forth in said paragraph, except Respondent admits the allegations set forth in the first sentence of said paragraph.

8. With respect to paragraph 16 of the Complaint, Respondent admits the allegations set forth in the first three sentences of said paragraph, denies the allegation set forth in the fourth sentence of said paragraph, and is without information sufficient to form a belief as to the truth or falsity of the remaining allegations set forth in said paragraph.

9. With respect to paragraph 22 of the Complaint, Respondent admits the allegations set forth in the first two sentences of said paragraph, and denies the remaining allegations of said paragraph.

10. With respect to paragraphs 12 and 19 of the Complaint, Respondent admits, denies and/or denies for lack of knowledge each allegation incorporated in said paragraphs, as such are admitted, denied and/or denied for lack of knowledge hereinabove.

11. Respondent states that each and every shipment of hazardous wastes sent by Respondent to treatment, storage and disposal facilities, which were subject to land disposal restrictions, included with the shipment's manifest the land disposal restriction notification required by 40 C.F.R. §268.7, in the form attached hereto as Exhibit A.

12. Respondent states that since the land disposal restrictions notifications were repetitive, providing no data required or information specific to any given shipment, copies were not made for Respondent's files.

13. Assuming arguendo a violation of 40 C.F.R. §268.7 occurred, the proposed civil penalty is excessive and not warranted.

Respectfully submitted,

---

Mary M. Biagioli (0018825)  
PICKREL, SCHAEFFER & EBELING  
2700 Kettering Tower  
Dayton OH 45423 (513/223-1130)  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Answer was served, by ordinary U.S. Mail, postage pre-paid, upon Brett Warning, Assistant Regional Counsel, Attorney for the United States

Environmental Protection Agency, at Office of Regional Counsel (C-30A), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, this 4th day of August, 1994.

---

Mary M. Biagioli (0018825)  
PICKREL, SCHAEFFER & EBELING